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SUPREME COURT OF THE UNITED STATES.

No. 127.

THE UNITED STATES, APPELLANTS,

vs.

FRANCIS LARKIN, CAROLINE A. LARKIN, FREDERICK H. LARKIN, AND ALFRED OTIS LARKIN.

APPEAL FROM THE DISTRICT COURT U. S. FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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Transcript of the proceedings in case No. 130—*Francisco Larkin et al., claimants, vs. The United States, defendant—for the place named Larkin's Rancho.*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this 24th day of March, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Francisco Larkin et al., for the place named "Larkin's Rancho," was presented, and ordered to be filed and docketed with No. 130, and is as follows, to wit:

(Vide page 5 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *Aug. 14th*, 1852.

In case No. 130, Francisco Larkin et al., for the place named "Larkin's Rancho," on motion of the counsel for the claimants, the following order was granted, to wit:

(Vide page 75 of this Transcript.)

SAN FRANCISCO, *Jan. 4th*, 1853.

In the same case, the deposition of John Bidwell, a witness in behalf of the claimants, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 6 of this Transcript.)

SAN FRANCISCO, *April 2nd*, 1853.

In the same case, the deposition of David Spence, a witness in behalf of claimants, taken before Commissioner Harry J. Thornton, with document marked "H. J. T., No. 1," annexed thereto, was filed.

(Vide page 8 of this Transcript.)

SAN FRANCISCO, *April 8th*, 1853.

In the same case, the deposition of P. K. Woodside, a witness in behalf of the claimants, taken before Commissioner Hiland Hall, was filed.

(Vide page 9 of this Transcript.)

SAN FRANCISCO, *Aug.* 9, 1853.

In the same case, the deposition of William G. Chand, a witness in behalf of the claimants, taken before Commissioner Thompson Campbell, was filed.

(Vide page 12 of this Transcript.)

In the same case, the deposition of Henry L. Ford, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed.

(Vide page 10 of this Transcript.)

SAN FRANCISCO, *Oct.* 22*d*, 1853.

In the same case, the deposition of Antonio Maria Pico, a witness in behalf of the claimants, taken before Commissioner Thompson Campbell, with documents marked "T, C, E, F, G, H," annexed thereto, was filed.

(Vide page 14 of this Transcript.)

SAN FRANCISCO, *Nov.* 4*th*, 1853.

In the same case, the deposition of Jacob P. Leese, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 15 of this Transcript.)

SAN FRANCISCO, *Nov.* 4*th*, 1853.

In the same case, the deposition of P. B. Reading, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 17 of this Transcript.)

SAN FRANCISCO, *Nov.* 5*th*, 1853.

In the same case, the deposition of Peter Lassen, a witness in behalf of the claimants, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 20 of this Transcript.)

In the same case, the deposition of James M. Ide, a witness in behalf of the claimants, taken before Commissioner R. A. Thompson, was filed.

(Vide page 19 of this Transcript.)

SAN FRANCISCO, *Nov.* 25*th*, 1853.

In the same case, the deposition of John Bidwell, a witness in behalf of the claimants, taken before R. Aug. Thompson, was filed.

(Vide page 22 of this Transcript.)

SAN FRANCISCO, *April* 11*th*, 1854.

Case No. 130 was called, submitted on briefs, and taken under advisement by the board.

SAN FRANCISCO, *April* 25*th*, 1854.

In the same case, Commissioner Thompson Campbell delivered the opinion of the board, confirming the claim.

(Vide page 81 of this Transcript.)

SAN FRANCISCO, *June* 27*th*, 1854.

In the same case, the counsel for the claimants filed the following petition, affidavit and motion, to wit:

(Vide page 65 of this Transcript.)

Which motion was taken under advisement.

SAN FRANCISCO, *July* 11*th*, 1854.

In the same case, Commissioner Alpheus Felch delivered the decision of the board upon the motion heretofore filed, to wit, on the 17th June last, by the counsel for the claimants, asking leave to file a supplemental petition granting the said motion.

In the same case, the counsel for the claimants filed the following stipulation, to wit:

(Vide page 70 of this Transcript.)

Also the deed of conveyance mentioned in said stipulation, marked "H," which is as follows, to wit:

(Vide page 73 of this Transcript.)

Whereupon the following order was made, to wit:

(Vide page 71 of this Transcript.)

For annexed decree, vide page 91 of this Transcript.

SAN FRANCISCO, *Aug.* 15*th*, 1854.

In the same case, on motion of the United States law agent, the following order was made, to wit:

(Vide page 4 of this Transcript.)

And it appearing to the satisfaction of this board, that the land hereby adjudicated is situated in the northern district of California, it is hereby ordered, that two transcripts of the proceedings, and of the decisions in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the northern district of California, and the other be transmitted to the Attorney General of the United States.

Petition.

To the Board of Commissioners for ascertaining and settling private land claims in the State of California.

Your petitioners, Francis Larkin and his two sisters, Caroline Ann Larkin and Sophia Adelaide Larkin, all of the city and county of San Francisco, in the State of California, respectfully represent to your honorable board:

That they claim a certain tract of land, on the westerly side of the Sacramento river, called the Larkin Ranch, comprising the Rancherias Quiti, Daedae, Sojot and Sunn, containing ten leagues, more or less, situated in the county of Colusi, in the State of California; that they claim the same in fee by virtue of a grant made to them, the said Francis, Caroline Ann and Sophia Adelaide Larkin, under the authority of the Mexican government, by Manuel Micheltoreno, governor, commandant general and inspector of the department of California, bearing date the fifteenth (15th) day of December, one thousand eight hundred and forty-four, (1844,) and approved by the territorial deputation on or about the twenty-second (22nd) day of April, one thousand eight hundred and forty-six (1846.)

Your petitioners would further represent, that the boundaries of said tract of land have been designated and defined, and that the said grantees and those claiming under them have been in the peaceable possession thereof ever since, and that they have no knowledge of any interfering claim.

Your petitioners present herewith a copy of the original grant of said land in the Spanish language, together with a translation of the same, and will make further proof of title if required by the board.

Your petitioners pray your honorable Board to take into consideration their claim to said tract of land, and decree their title to be valid and confirm the same.

And your petitioners will ever pray.

A. C. WHITCOMB,
Counsel for Claimants,
F., C., A., & S. A. LARKIN.

San Francisco, March 24th, 1852.

Filed in office, March 24th, 1852.

GEO. FISHER, *Secr'y.*

Deposition of John Bidwell.

SAN FRANCISCO, *Jan'y 4th*, 1853.

On this day, before Com'r Harry J. Thornton, came John Bidwell, a witness in behalf of the claimants, Thomas O. Larkin, petition No. 129, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present.

Questions by Claimant.

Question 1st. What is your name, age, and place of residence, and what has been your experience in surveying and drafting maps?

Ans. My name is John Bidwell, my age is thirty-three, and my residence is Chico, Butte county. I have resided in California more than eleven years, in Sacramento Valley, and I have been engaged much of my time in surveying and making maps.

Question 2nd. Do you know the ranches called the Jimino Ranch, the ranch of Larkin's children, on the Sacramento river, and the ranch called the Flagge Ranch on the west side of Feather river?

Ans. I am acquainted with these ranches, and have known them ever since the year 1843; I mean the land which they occupy.

Question 3rd. When were those ranches occupied; how, and by whom?

Ans. In the spring of 1847 I visited the rancho of Larkin's children; it was then occupied by a man the name of John Williams, and had been so occupied for some time previous; there was a dwelling-house in which there resided several families, and there was stock upon the place at that time, and it has been occupied ever since down to this time. I was employed in 1847 by Mr. Larkin to build for him a house on the Flagge Ranch, which I did in the spring of 1848, not being able to do it sooner. A man by the name of Yates was first in the house, and occupied the place from 1849 until some short time since, under Mr. Larkin. The house which I built was burnt, and Yates built another. As to the Jimino Ranch, I saw a house upon it which was occupied in 1848; I know that the house so occupied had been built before that time.

(Signed) J. BIDWELL.

U. S. law agent present.

Sworn and subscribed before me this 4th day of January, 1853.

HARRY J. THORNTON, *Com'r, &c.*

Jan. 4th, 1853.—Before Judge Thornton.

It is hereby agreed by counsel that the deposition of John Bidwell, taken this day before his honor Harry J. Thornton, may be used in each of the following three cases, viz: No. 129, No. 130, No. 131, being three cases pending.

(Signed) ROB'T GREENHOW,
Asst. Law Agent of U. S.

(Signed) JAMES WILSON,
For Petitioners.

SAN FRANCISCO, *January 5th*, 1853.

I certify that the foregoing is a true and correct copy of the original on file, in case No. 129, in this office.

GEO. FISHER, *Sec'y.*

Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Sec'y.*

Deposition of David Spence.

[No. 130.] SAN FRANCISCO, *April 2d*, 1853.

On this day, before Com'r H. J. Thornton, came David Spence, a witness on behalf of the claimants, Francis Larkin et al., petition No. 130, and was duly sworn, his evidence being given in English.

In answer to inquiries by counsel for the claimants, the witness testified as follows:

1st. What is your name, age, and place of residence.

Deponent's answer. My name is David Spence, my age is about 55, and I reside in Monterey, in the State of California.

2d. Are you acquainted with the handwriting of D'n Man'l Micheltoreno, and of Manuel Jimeno; if yea, look at the paper now shown to you, and marked Exhibit No. 1, and attached to this deposition, and say if the signatures of said persons are their genuine signatures.

Dept. answer. I am well acquainted with the signatures of Don Manuel Micheltoreno and Man'l Jimeno, having often seen them write; and upon examination of the paper above referred to, I do not hesitate to say that their signatures thereto are their genuine signatures.

3d. Did you know anything of the circumstances of the grant of land by Micheltoreno to the petitioners in this case.

Ans. I know nothing more about it than that I heard it spoken of about the time of the date of this grant, that such an one had been made.

D. SPENCE.

U. S. law agent present.

Sworn to and subscribed before me this 2d day of April, 1853.

HARRY J. THORNTON,
Com'r, &c.

Filed in office, April 2d, 1853.

GEO. FISHER, *Sec'y.*

Deposition of P. K. Woodside.

SAN FRANCISCO, *April 8th*, 1853.

On this day, before Com'r Hiland Hall, came P. K. Woodside, a witness on behalf of Francis Larkin et al., petition No. 130, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was notified and was present.

In answer to inquiries by counsel for the claimants, the witness testified as follows:

My name is P. K. Woodside, my age is twenty-six years, and I reside in San Francisco.

In the fall of the year 1848 I was in the employ of Thomas O. Larkin as clerk; I know the ranchos on Sacramento river, there claimed by Thomas O. Larkin, in one called the Jimeno ranch, and

the other called the Children's ranch. I was at the upper ranch in the fall of 1848; John Williams and family, Williams being a tenant of Larkin, then lived there; there were at that time over a thousand head of cattle on the land, and probably 150 horses. I went there for the purpose of selling the stock for Larkin, and sold them and paid the money to him; the stock belonged to Larkin or his children; I do not know which; I have not been there since.

P. K. WOODSIDE.

Sworn and subscribed before me,

HILAND HALL, *Com'r.*

Filed in office, April 8th, 1853.

GEO. FISHER, *Sec'y.*

Deposition of Henry L. Ford.

OFFICE OF THE BOARD OF COMMISSIONERS OF LAND CLAIMS IN CALIFORNIA, SAN FRANCISCO, *Aug. 9th*, 1853.

This day came before Alpheus Felch, one of the commissioners to ascertain and settle the private land claims in California, Henry L. Ford, a witness produced in behalf of the claimants, Francis Larkin et al., being case No. 130 on the docket of the said commissioners, and after being duly sworn deposed as follows:

The U. S. law agent was notified and attended.

Questions by A. C. Whitcomb, Attorney for the Claimant.

1 Question. What are your name, age, and place of residence?

Answer. My name is Henry L. Ford, my age is thirty years, and I reside in Colusi county, in the State of California.

2 Question. Do you know the tract of land known as the rancho of Larkin's children?

Answer. I do know a tract of land known as the Children's ranch, granted to Larkin's children; it is situated on the west bank of the Sacramento river, between the ranch known as the Jimeno ranch, and the ranch granted Rodriguez.

3 Question. When did you first know this ranch, and what do you know about its being occupied?

Answer. I first passed over it in November, 1845; I was not on it again until April, 1847; it was then occupied by a man by the name of Williams, in Mr. Larkin's employ; there was then a house built on it, and from fifty to seventy-five acres of wheat, and another enclosure of ten or twelve acres in corn, potatoes, and garden vegetables; there were twenty-five or thirty hogs and about the same number of horses, at that time on the place. In the month of May, in the same year, I went with Mr. Williams to Gen'l Vallegos ranch, at Petaloma, and received from the general five hundred and eighty head of breeding cattle and two hundred head of breeding mares, and drove them on to the ranch, where the larger portion have remained until this time. In 1849, Mr. Larkin sold that stock, but it has never been taken from the ranch;

Mr. Williams died in the spring (May) of the year 1849, and was succeeded in possession of the ranch by Charles B. Sterling, who is still in occupation of it.

Questions by Mr. Howard, Law Agent.

1 Question. How do you know that there was a grant of the land to the children of Mr. Larkin?

Answer. I saw the grant, or a copy of it, in Mr. Larkin's hands; he told me it was a grant to his children; I did not examine it.

2 Question. What are the names of the children?

Answer. I did not read the grant, and do not recollect the names of the children, although I have heard their names.

3 Question. Do you recollect the date of the grant?

Answer. I cannot state the month, but it was in the year 1844.

4 Question. Where did Mr. Larkin reside in the year 1844, and in what capacity was he acting?

Answer. He resided at Monterey, in California, and was consul of the United States.

5 Question. Of what country is Mr. Larkin a native?

Answer. I think of the United States; I have heard him say so; I think he said of the State of Massachusetts, but am not certain as to the State.

6 Question. Where did *here* children reside at the time of this grant?

Answer. At Monterey.

7 Question. Do you know the age of them, or any of them?

Answer. I do not.

8 Question. Was any one living on the ranch when you were first there in 1845?

Answer. There was not, that I saw; there was no house on it, and no part of it was cultivated, so far as I saw.

HENRY L. FORD.

Subscribed and sworn at San Francisco this 9th day of August, A. D. 1853.

Before me, ALPHEUS FELCH,
Commissioner.

Filed in office, Aug. 9th, 1853.

GEO. FISHER, *Secr'y.*

Deposition of William G. Chard.

OFFICE OF THE BOARD COMMISSIONERS OF LAND CLAIMS IN CAL'A,
SAN FRANCISCO, *Aug. 4th*, 1853.

This day came before Thompson Campbell, one of the commissioners to ascertain and settle the private land claims in California, William G. Chard, a witness produced in behalf of the claimants, Francis Larkin et al., No. 130 on the docket of the said commissioners, and after having been duly sworn, testified as follows.

The assistant law agent was in attendance.

Question 1st. What is your name, age, and place of residence?

My name is William G. Chard; my age is forty-five years; I reside generally in Sacramento Valley, and have resided in California since 1832, and have known Thomas O. Larkin about fifteen years.

Question 2nd. Do you know the tract of land called the rancho of Larkin's children; if so, where is the same situated, and how long have you known it?

Ans. I do know the tract of land called the rancho of Larkin's children; it is between the Rodriguez ranch and Jimeno's, on the western side of the Sacramento river. I have known it since 1847, when I was first on the ground, at which time it was occupied by one John Williams; it was understood that he was Mr. Larkin's steward, and was taking care of the place for Mr. Larkin; there was at that time, to which I have just referred, two houses on the ranch, and a considerable quantity of stock, consisting of horses, mares, and cattle. Williams remained on the ranch, in the employment of Mr. Larkin, until his death, which took place, as nearly as I can recollect, sometime in the year 1849. I think Mr. Larkin had about two or three hundred Indians living on the ranch, some of whom were at work on the place. Mr. Sterling succeeded Williams as agent of Mr. Larkin, and is still there, at least was there a few days since. I was in Monterey when the grant was given in 1844, about which time Mr. Larkin supplied the government with provisions and stores, and I have frequently seen him give them money, and he was the principal purveyor of government, from about the year 1836 up to the year 1845. I have frequently heard him express doubts about receiving his pay. In explanation of what I have said in relation to Williams acting as the agent of Larkin, I could further state that Williams told me himself that he was acting as an agent for Mr. Larkin.

WILLIAM G. CHARD.

Mr. Greenhow declined to ask any questions.

Sworn and subscribed to before me, this 4th day of August, A. D. 1853. THOMPSON CAMPBELL, *Com'r.*

Filed in office, Aug. 9th, 1853.

GEO. FISHER, *Secr'y.*

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c., &c.

This day, before Com'r Thompson Campbell, came Antonio Maria Pico, a witness in behalf of claimants, Francis Larkin et al., No. 130, who, after being duly sworn, deposed as follows:

What is your name, age, and place of residence?

My name is Antonio Maria Pico; I am forty-three years of age, and I reside at San José.

Where did you reside in 1844, and what office did you hold at that tme?

In 1844 I resided at San José, and was alcalde of the place.

Look on the papers now shown you, and severally marked D, E, F, G and H, the paper D being attached to the deposition of David Spence, the other four annexed to this deposition, and state whether the signatures of Manuel Micheltoreno and Manuel Jimeno, where they appear on said paper, are their genuine signatures, and also state your means of knowledge?

I recognise the signatures of Manuel Micheltoreno and Manuel Jimeno, where they appear on said paper to be their genuine signatures. I have seen them both write frequently, and am well acquainted with their handwriting.

Associate law agent present.

ANTONIO MA. PICO.

Sworn to and subscribed before me, this 22d day of October, A. D. 1853.

THOMPSON CAMPBELL, *Com'r.*

Filed in office, Oct. 22d, 1853.

GEO. FISHER, *Sec'y.*

Deposition of Jacob P. Leese.

Case No. 130.

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c., &c.

This day, before Com'r R. Aug. Thompson, came Jacob P. Leese, a witness in behalf of claimants, Francis Larkin et al., No. 130, who, after being duly sworn, deposed as follows:

Testimony on behalf of Claimant.

Present, Whitcomb, counsel for claimant, and R. Greenhow, esq., ass't law agent.

Witness states that his name is Jacob P. Leese; age forty-four years, and residence Monterey, Cal'a.

Question by claimant's attorney. Do you know the tract of land claimed in this case, called rancho of Larkin's children; if so, where is it situated?

Answer. I know the land; it is situated on the western side of the Sacramento river, and is bounded on the north by a rancho known as the rancho of Jacinto Rodriguez, about four leagues below the river crossing.

Question by same. State what you know in relation to the settlement and occupation of said ranch?

Answer. In the year 1844 Mr. Larkin bought of me about one hundred mares and colts, for the purpose of stocking said ranch. The steward of the ranch, named John Williams, in the month of August or September of that year, received them of me, on my ranch in Sonoma, and in the spring of 1845 he came back to my place and informed me that some of the animals had strayed away, and asked me if I had seen anything of them. He also told me that he had taken

the animals to the ranch at the time he got them from me, the preceding fall or summer.

Question by same. What office did you hold in California during the years 1844 and 1845?

Answer. I was the alcalde of the jurisdiction of Sonoma in 1844, and until June, 1845.

Question by same. State if you know anything of the judicial possession of this ranch being asked for or given?

Answer. Early in the spring of 1845, Mr. Larkin inquired of me as to the proper person to give him judicial possession of the ranch in question. I told him that the extent of the jurisdiction of Sonoma was disputed between Gen'l Vallejo and Capt. Sutter; that Gen'l Vallejo claimed the jurisdiction of Sonoma to the west side of the Sacramento river, and Capt. Sutter also claimed said west side, down to the valley of Suisun, and that I intended to write to the governor for information; and there had been various applications made to me for judicial possession in that section of the country, and if he informed me it was in my jurisdiction, I would give him the possession. I applied to the governor, but before I got the information, Gen'l Micheltoreno had left the country.

Question by Mr. Greenhow. Have you ever seen the ranch since it was granted to claimant?

Answer. I have not. I saw it 1843.

Question by same. When you saw it in 1843, were there any Indian tribes on the land now embraced in said ranch?

Answer. Yes; there was a large Indian village on it.

J. P. LEESE.

Sworn to and subscribed to before me, Nov. 4th, 1853.

R. AUG. THOMPSON, *Com'r.*

Filed in office, Nov. 4, 1853.

GEO. FISHER, *Sec'y.*

Deposition of P. B. Reading.

Case No. 130.

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c., &c.

This day, before R. Aug. Thompson, came P. B. Reading, a witness in behalf of claimants, Francis Larkin et al., No. 130, who, after being duly sworn, deposed as follows:

Testimony on behalf of Claimant.

Present, Whitcomb, counsel for claimant, and R. Greenhow, ass't law agent.

Witness states his name to be Pearson B. Reading; age thirty-six years; residence Shasta county, Cal'a.

Question by claimants' att'y. Do you know the rancho claimed in this case? If so, state where it is situated, and what you know of its occupation and improvement.

Answer. I have been on said rancho; I was first there in October, 1847; at that time John Williams, whom I knew well, was living in a log house on the land, with his wife; he was living there, as he informed me, as the agent of Mr. Larkin, the father of the present claimants; he was engaged in cultivating the land and in taking care of the stock then on this ranch, consisting of cattle, horses and hogs; the house, I should judge, had been built about two years; he was then putting up an adobe house as a dwelling; he also had an adobe house stored with grain, that, I should judge, had been built about one year.

Question by same. Do you know the creeks called Arroyo Chico and Arroyo de los Picos? If so, look upon the map in the traced copy of the espediente filed in this case, and state whether, in your opinion, in connection with the scale there given, there would be any difficulty in locating and identifying said land.

Answer. I know those creeks well, and if the map and scale are correct, there would be no difficulty in locating the land by reference to them. These creeks are notorious objects, and I have always known by those names, and no others.

Question by same. How far was the house occupied by John Williams south of, or below, the mouth of Capug, or Stone creek?

Answer. About twenty-two miles.

Question by same. State what you know of the Indian rancherias on said land.

Answer. When at Mr. Williams's in October, 1847, I saw a number of the Dadæ Indians in his employment. He informed me that their rancheria was about two miles from his house.

Question by same. What has become of John Williams, and who succeeded him on said ranch?

Answer. Mr. Williams is dead, and since his death a man by the name of Sterling has been in constant charge and possession, and is still so.

P. B. READING.

Sworn to and subscribed before me, Nov. 4th, 1853.

R. AUG. THOMPSON, *Com'r.*

Filed in office, Nov. 4th, 1853.

GEO. FISHER, *Sec'y.*

Case No. 130.

Deposition of James M. Ide.

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c.

This day, before Com'r R. Aug. Thompson, came James M. Ide, a witness in behalf of claimants, Francis Larkin et al., No. 130, who, after being duly sworn, deposed as follows:

Testimony in behalf of Claimant.

Present, Whitcomb & Martin, att'ys for claimant, and R. Greenhow, esq., associate law agent.

Witness states his name to be James Ide; his age thirty-two; residence Colusi county, California.

Question by claimants' att'y. When did you come to this country; and with whom, and where, have you resided since.

Answer. I came to California in the fall of 1845, in company with my brother William B. Ide, and have resided ever since in the Sacramento valley.

Question by same. Were you, about the year 1846, on the place known as the ranch of Larkin's children; if so, state when, and for what purpose, you went there.

Answer. I was there in the spring of 1846 to get some stock belonging to my brother, which had come in company with some stock of Mr. Larkin's, from the Vallejo ranch in the neighborhood of Sonoma. My brother was engaged in the taking of Sonoma under the Bear flag. I went to the ranch for the cattle prior to that time.*

Question by same. Who was in charge of said ranch at that time?

Answer. A man by the name of Williams. We separated our stock from Mr. Larkin's and drove it up the river, and left Mr. Larkin's on the ranch.

JAMES M. IDE.

Sworn to and subscribed before me, the 5th Nov. 1853.

R. AUG. THOMPSON, *Com'r.*

* After the deposition was closed, witness states that he thinks he must have gone for the cattle to Larkin's ranch after, instead of before, the taking of Sonoma, under the Bear flag.

Filed in office, Nov. 5th, 1853.

GEORGE FISHER, *Secr'y.*

F. LARKIN ET AL. vs. U. STATES. } Case No. 130.

OFFICE OF THE BOARD OF COMMISSIONERS, &c., &c.

This day, before Com'r R. Aug. Thompson, came Peter Lassen, a witness in behalf of claimants, No. 130, who, after being duly sworn, deposed as follows:

Testimony in behalf of Claimant.

Present, Whitcomb, att'y for claimant, and R. Greenhow, esq., ass't law agent.

Witness states that his name is Peter Lassen; age fifty-four years; residence in Sacramento Valley, Cal'a, Butte county.

Question by claimants' attorney. Do you know the land called the rancho of Larkin's children; if so, state where it is situated, and what you know of its settlement, occupation and improvement.

Answer. I know the ranch; it is situated on the west side of Sacramento river; I was on said ranch in November or December, 1845;

John Williams was then living on the land; he had a small house, which he inhabited with a family by the name of Anderson; Williams was then engaged building another house; there were then on the ranch stocks of cows, horses and hogs, but I do not know the quantity; he was also making rails and preparing to enclose land for cultivation; there were also corrals; I was also there in 1846 and 1847, at which times he had large quantities of grain which he had raised on the place; in the spring of 1846 there was a good large field enclosed and in cultivation; I cannot state the number of acres; in the same spring of 1846, Mr. Larkin brought up a large stock of cattle and placed them on the ranch; I understood from Williams that he was occupying it for Mr. Larkin, or his children, to whom the ranch was reputed to belong.

Question by same. Where have you resided since the winter of 1843, and have you had frequent opportunities of seeing the ranch in question?

Answer. I have lived since 1843 on my ranch on Deer creek, on the east side of Sacramento river, about twenty-five miles above the ranch claimed in this case; I have been there generally three or four times a year, and assisted in marking the stock; it was the custom of the valley for the settlers to assemble and assist each other on these occasions. Mr. Williams remained there until his death, in about the year 1849, and was succeeded by a man named Sterling, who is, I believe, still there, in the same capacity formerly filled by Williams.

PETER LASSEN.

Sworn to and subscribed before me, Nov. 5th, 1853.

R. AUG. THOMPSON, *Com'r.*

Filed in office, Nov. 5th, 1853.

GEO. FISHER, *Secr'y.*

Case No. 130.

Deposition of John Bidwell.

OFFICE OF THE BOARD OF U. S. COMMISSIONERS, &c., &c.

This day, before Com'r R. Aug. Thompson, came John Bidwell, a witness on behalf of the claimants, Francis Larkin et al., No. 130, and being duly sworn deposed as follows:

Testimony in behalf of Claimant.

Present, Norton, att'y for claimant, and R. Greenhow, esq., asst. law agent.

Witness states his name is John Bidwell, his age thirty-four years, and residence Chico, Butte county, Cal'a.

Question by claimant's att'y. What was your occupation in the years 1843 and 1844? Look at the traced copy of the expediente, from the archives of California, now in the custody of the U. S. surveyor general for the State of California, duly certified and filed in

this case, marked H, particularly at the map therein, and state if you know who made the original of the same.

Answer. I am a surveyor by profession. In the years 1843 and 1844 I was engaged in making reconnoissances of the country and maps for various persons. The map of which a copy is contained in the copy of the expediente now shown me, was made by me in the month of July, 1844.

Question by same. At the time you made said map, were you or were you not acquainted with the lands therein contained; and if so, state whether the Indian rancherias Sunn, Sojot, Daedae, and Quiti are designated therein, and in what manner; also whether they were then and are now well known points, and whether with said map and scale of distances in varas marked upon it the land contained in it could be identified and accurately defined and located.

Answer. I was at that time acquainted with the land. The rancherias named in the question were all laid down on said map, and are designated by their respective names, and by the small tent-shaped marks opposite each, intended to represent the rancherias or villages; they were then and are now well-known points, particularly that called Sojot. At these villages there are almost invariably found considerable mounds, which remain for many years, and are noted landmarks; the huts are always built on these elevations, which remain long after all vestiges of the huts have disappeared. I have no doubt the land intended to be contained in the map could, with its aid, be easily identified and located; the starting point would be the northern boundary on the Sacramento river; that point is just two leagues north of the rancheria of Sojot.

J. BIDWELL.

Sworn and subscribed before me, Nov. 25th, 1853.

R. AUG. THOMPSON, *Com'r.*

Filed in office, Nov. 25th, 1853.

GEO. FISHER, *Sec'y.*

Espediente promovido por las hijos de D. Thomas O. Larkins.

Sello Cuatro, Dos Reales.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro, y mil ochocientos cuarenta y cinco.

MICHELTORENA. PABLO DE LA GUERRA.

[SEAL.]

Ex'mo S'or:

Thomas O. Larkins, en nombre de su hijo Francisco, y de sus dos hijos Carolina, Ana y Sofia Adelaida, todas naturalizados en esta republica, ante V. E. con el debido respecto comparesco y dijo, que teniendo d'hos mis hijos una cantidad considerable de ganado, y careciendo de un terreno proprio en donde colocarlo, occuran por medio mio á

la bondad de V. E. para que sirva concederle un paraje que harya baldio al lado del oeste del Rio del Sacramento, y compredidas las rancherias de Quieta, Daedae, Sojot y Suma, con estension de cinco leguas de sur a norte, y dos leguas de oriente ó poniente como se explica en el diseño que a compaña, comprendese el terreno total que se solicita de diez sitios de ganado mayor, poco mas ó menas. Por tanto, á V. E. suplico se sirva decretar como llebo pedido por ser de justicia.

Monterey 14 de Deciembre, de 1844.

El nombre de los interesados, THOMAS O. LARKIN.

MONTEREY, *April* 24, *de* 1844.

Informe el s'rio del mi despacho.

MICHELTORENA.

Ex'mo Señor:

El terreno que solicita los interesado en esta instancia esta baldio y habiendo ellas obtenido ya sus cartas de naturaleza s'oy de parecer que no hay incombeniente alguno á aceder á su solicitud, mas la determinacion de V. E. sino la mas a certado.

MANUEL JIMENO.

Monterrey, fecha.

MONTEREY, 14*th de D'bre*, *de* 1844.

Espidese titulo. MICHELTORENA.

Jurisdiciones del Rio Sacramento.

El terreno que solecito el s'or Don Thomas O. Larkin, Consul de los Estados Unidos del Norte, y que el representado en un diseño esta desacupado, y doy esta certificacion para los finis que convengan.

J. H. SUTTER.

Nuevo Helvetin, Julio 7, de 1844.

Sello Cuarto, Dos Reales.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro, y mil ochocientos cuarenta y cinco.

MICHELTORENA. PABLO DE LA GUERRA.

[SEAL.]

Ex'mo Señor:

Thomas O. Larkin, ante V. E. con el debido respecto comparesio y dizo: Que con f'ha de 2 de Setiembre, del año p. y p'do me tome la libertad de presentar a V. E. un memorial solicitando cartas de naturaleza para mi hijo Francisco, y mi dos hijos Carolina, Ana y Sofia Adelaide, todas nacidas en este departamento, q'l V. E. despues de ver el informe del señor secretario del despacho se serva con f'ha, 18 de Octubre, decretar que el gobierno se hallaba en lo mayor disposition para aceder á mi solicitud, pero que sus prendia el hacer lo hasta la llegado en la Golita, California, que traer probablemente la ley que cita el s'r secretario del despacho, sobre la edad que deven tenir los hijos de estranjeros nacidos en la republica que desean natural ante V. E.

mas impuesta que nadie de los ultimos a conocimiento de Mejico, y por conseguiente facilmente a chara a le ver que el regiero de d'ha goleta se hace cada dia mas insierta, y mis hijos estan pordiendo mucho tiempo por que ya una cantidad bastante considerable de ganado, que podian solecitar un terreno proprio en donde calocarlo hasta que obtenga de la bondad de V. E. sus respectivos cartas de naturaleza. Por tanto, á V. E. rendidamente suplico que en vista de todo lo espuesto, y en atencion á que para ello tienen sobradisima facultades se sirva una vez decretar como llebo pedido por considerar lo, asi de justicia protestando no proceder de malicia, y lo necesario.

TOMAS O. LARKIN.

Monterey, 12 de Diciembre, de 1844.

Ex'mo Señor:

Siendo n. tomase en consideracion las razones manifestado en la precedente solicitud, y para que sirva de conocimiento al tomar ser acuerdo en el presente a sunto dero informar que los hijos del Señor Larkin, ya han manifestado querer naturalezarse en la republica Mejicana, que es donde se nacieron, y lo han hecho asi por que han pasado de la edad que por derecho se requiere consenter cuyo requisito es bastante para poder adquirir su naturalizacion, y por cuya razon manifiestan tambien tienen derecho para solicitar un terreno por su cultivo y ocupacion, y el que pretiendo esta baldio, y en estado de poderse conseder á los pretendientes bazo las condiciones que el gobierno tuviese por conveniente estipular les.

Monterey, 13 de Diciembre, de 1844.

MANUEL JIMENO.

MONTEREY, 13 *D'bre, d.* 1844.

Con areglo á lo espresado.

Espidase $14.

MICHELTORENA.

[*For map see original, page* 26.]

El Ciudadano Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante General de Plana Mayor del mismo, Gobernador Comandante General é Inspector del Departamento de las Californias:

Por cuanto Francisco Larkin, y sus dos hermanes Carolina Ana y Sofia Adelaida, Mejicanas por naturalizacion, han pretendido para beneficio personal le parage situado al lado del oeste del Rio Sacramento ql. compredem las rancherias Quieto, Daedae, Soyot y Suma, con una

estension de como leguas del sur al norte, y dos leguas de oriente á poniente como se esplica en el diseño que se acompaño para el espediente, practicadas presisamento las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentes, usando de las facultades que me son conferidas á nombre de la nacion Mejicana, he venido en conceder le el terreno mencionado declarando les la propriedad de el por las presentes letras sujetandose á la aprobacion de la ex'ma asamblea departamental y bajo las condiciones seguientes.

1o. No podra venderlo, enagenarlo ni hypotecarlo, imponen con so, vinculo e fianja ni otro gravanmen alguno.

2o. Podra cercarlo sin prejudicar las travesias caminos y servidumbres, lo disfrutará libre y exclusivamente lo al uso ó cultivo que mas le acomode prio birted si en año fabrecara casa y estará habituada.

3o. Cuando se les conjiere la propiedad, solicitaran del juez respectivo que les de la posecion juridica en virtud de este despacho, por el cual se demarcaron los linderos en cuyas limites pondrá á mas de sus mehores as algunas arboles frutales, ó silvestre de alguna utilidad.

4o. El terreno de que se hace donacion es de diez sitios de ganado mayor, poco mas ó menas segun esplica el diseño respectivo. El juez que diere la pocecion lo hara medir conforme á ordinanza que dando el sobrante que resulto á la nacion para los usos convenientes.

5o. Si contravenien á esta condiciones perderá su derecho y será renunciable por otro. En consequencia cuando que serviendo les de titulo el presente y teniendose por firme y validero, se tome razon de el en el libro respectivo y se entreque a los interesado para su resguardo y demas fines.

Dado en Monterey, á los quince dias del mes de Diciembre, de mil ochocientos cuarenta y cuatro.

Pueda tomarla razon de este despacho en el libro respectivo á fojas 8.

Angeles, Mayo 16, de 1846. Dado cuento en session de hoy á la honorable asamblea con este espediente se mando pasar á la comicion de terrenos baldios.

PIO PICO, *P'te.*
AGUSTIN OLVERA, *S'rio.*

Señor:

La comicion de terrenos baldios a examinado con atencion el espediente promovido por los hijos de Don Thomas O. Larkin del parage situado al lado del oeste del Rio del Sacramento, y el gobierno departamental concidio a estos yovenes con fecha 15 de Diciembre, de 1844, de diez sitios de ganado mayor. La comicion advierto que en una instancia del S'or Larkin, de 12 de D'bre, del año citado hace referencia hacer solicitado con f'ha 20 de Febrero carta de naturaliza por sus hijos con el foi indicado y que de s'or secretario del despacho del gobierno, con f'ha 8 de 8bre decreto suspendia hacer lo stro lo llegada de la Goleta "California," que travia probablemente la ley sobre la edad que devon tener lo hijos y estranjiros nacidos en la republica desta providencia esta conforme al titulo 2o arto. 12 de las baces originales em-

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pesó seré que sus este requisito el gobierno se les estendia como se advierte por el decreto, ucjd. del 1o del gobierno con f'ha 13 de D'bre del mismo años ya citados y por el contesta al titulo con que da principio el titulo de propiedad que se les espedio. En este concepto opina la comicion queda en tal virtud este espediento en lo que la citada illustracion de V. E. en vista de este documento tenga a bien resolver sola de comiciones de la 1o asamblea de California, Abriel 13, o 1846.

S. ARGUELLO.

Angeles, Abril 22, de 1846.

En secion de hoy se aprobó la ex'ma asamblea el dictamen precedente.

PIO PICO, *Presedente.*
AGUSTIN OLVERA, *D. S.*

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such now having in my office and under my charge and control a portion of the archives of the former Spanish and American territory or department of Upper California, do hereby certify that the fifteen preceding and hereunto annexed pages of tracing paper numbered from one to fifteen, include, and each of which is verified by my initials (S. D. K.), which is true and accurate copies of certain document on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially and affixed my private seal, (not having a seal of office,) at the city of San Francisco, Cal., this 8th day of May, 1852.

SAMUEL D. KING,
Surveyor General Calf'a.

Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Secretary.*

Record of Proceedings at the instance of the Children of Don Thomas O. Larkin.

(417.)

J.—*Translation of I.*

Jurisdiction of Sacramento River.

The tract of land solicited by señor Don Thomas O. Larkin, counsel of the United States of North America, and which is represented by means of a sketch, but unoccupied, and I grant this certificate for any convenient ends.

NEW HELVETIA, July the 17th, 1844.

(Signed) J. A. SUTTER.

Exll't S'or:

I Thomas O. Larkin, in the name of my son Francisco and of my two daughters, Carolina Ann and Sophia Adelaide, are naturalized

in the republic, appear before your excellency with due respect and say, that inasmuch as my said children have a considerable quantity of cattle, and are in want of a tract of land of their property wherein to place it, they recur by means of me to your excellency's kindness, that Y. E. be pleased to grant to them a site that lies unoccupied on the western side of the river Sacramento, and which comprises the rancherias of Luete, Daedae, Sojet and Sume, its extent being five leagues from south to north, and two leagues from east to west, as it is explained in the accompanying sketch, the entire space of ground solicited being composed of ten square leagues (sitios de ganado mayor,) a little more or less.

Therefore I entreat Y. E. to deign to decree pursuantly to my request, since it is in accordance with right.

MONTEREY, *December the* 14*th*, 1844.

In the name of the parties co-named.

(Signed) THOMAS O. LARKIN.

MONTEREY, *December the* 24*th*, 1844.

Let my secretary of government report.

(Signed) MICHELTORENA.

Excellent Sir:

The land solicited by the parties concerned in this instancy, (instancia,) lies unoccupied, and inasmuch as they have already obtained their letter of naturalization to their request, but Y. Excellency's determination will be the most fitting.

(Signed) MANUEL JIMENO.

Monterey, date ut suprá.

MONTEREY, *December the* 14*th*, 1844.

Let a title deed be issued.

(Signed) MICHELTORENA.

Excellent Sir:

I, Thomas O. Larkin, appear before Y. Excellency with due respect and say: That under date of Sept. the 20th, of last year, I took the liberty to present to Y. E. a memorial soliciting letter of naturalization for my son, Francisco, and my two daughters, Caroline Ana and Sophia Adelaida, all born in this department, and Y. E., after having seen the report of the secretary of government, was pleased to decree, under date of October the 8th, that the government found itself in the best disposition towards acceding to my request, but that it suspended so doing until after the arrival of the schooner California, which would probably bring the law quoted by the honorable the secretary of government, concerning the age which the children of foreigners, born in the republic, and who wish to become naturalized, ought to have. Y. Ex'cy is better informed that any body about the last events in Mexico,

and, therefore, Y. E. may easily perceive, that the return of said schooner becomes every day more uncertain, and my children are losing much time, because they have already a rather considerable number of cattle, and they shall not be enabled to solicit the property of a tract of land wherein to place it until after having obtained from Y. Excellency's kindness their respective letters of naturalization: Therefore, I submissively entreat Y. E., that on consideration of all what has been represented, and likewise of the fact of having more than sufficient ability, (faculdades,) Y. E. be pleased at once to decree agreeably to my request, considering it just; and I protest that I do not proceed maliciously, and whatever else it is necessary to attest.

Monterey, December the 12th, 1844.

(Signed) THOMAS O. LARKIN.

Excellent Sir:

The reasons manifested in the proceeding request being worthy of notice, and in order that it may *be* serve as information at the time of Y. Excellency *res*clusions in the present case, I ought to report, that Señor Larkin's children have already shown to be wishing to become naturalized in the Mexisan Republic, which is their birthplace, and they have done so because they have passed the age required by law for consenting, which requisite is sufficient to enable them to acquire their naturalization, and on account of which they show likewise to have a right to ask for a tract of land for its cultivation and occupancy, and that which they petition for is unoccupied and susceptible of being granted to the soliciting parties, under what condition the government may find expedient to stipulate to them.

Monterey, December the 13th, 1844.

(Signed) MANUEL JIMENO.

MONTEREY, *December the* 13*th*, 1844.

Conformably to the report let them be issued.

(Signed) MICHELTORENA.

The citizen Manuel Micheltoreno, General of Brigade in the Mexican Army, Adjutant General in the Staff of said army, Governor General, Commander and Inspector of the Department of California:

Whereas, Francisco Larkin and his two sisters, Caroline Ana and Sophia Adelaide, Mexican by naturalization, have solicited for their personal benefit the location situated on the western side of the Sacramento river, consisting of the Rancherias Luits, Daedae, Loyal and Suma, the extent thereof being five leagues from south to north, and two leagues from east to west, as it is explained in the sketch which is sent accompanying, for the record of proceedings, the investigations thereunto concerning having been previously accomplished, according to the prescription of the laws and regulations, by virtue of the authority in me vested in the name of the Mexican nation, I have found expedient to grant to them the aforementioned tract of land, declaring

in the republic, appear before your excellency with due respect and say, that inasmuch as my said children have a considerable quantity of cattle, and are in want of a tract of land of their property wherein to place it, they recur by means of me to your excellency's kindness, that Y. E. be pleased to grant to them a site that lies unoccupied on the western side of the river Sacramento, and which comprises the rancherias of Luete, Daedae, Sojet and Sume, its extent being five leagues from south to north, and two leagues from east to west, as it is explained in the accompanying sketch, the entire space of ground solicited being composed of ten square leagues (sitios de ganado mayor,) a little more or less.

Therefore I entreat Y. E. to deign to decree pursuantly to my request, since it is in accordance with right.

MONTEREY, *December the* 14*th*, 1844.

In the name of the parties co-named.

(Signed) THOMAS O. LARKIN.

MONTEREY, *December the* 24*th*, 1844.

Let my secretary of government report.

(Signed) MICHELTORENA.

Excellent Sir:

The land solicited by the parties concerned in this instancy, (instancia,) lies unoccupied, and inasmuch as they have already obtained their letter of naturalization to their request, but Y. Excellency's determination will be the most fitting.

(Signed) MANUEL JIMENO.

Monterey, date ut suprá.

MONTEREY, *December the* 14*th*, 1844.

Let a title deed be issued.

(Signed) MICHELTORENA.

Excellent Sir:

I, Thomas O. Larkin, appear before Y. Excellency with due respect and say: That under date of Sept. the 20th, of last year, I took the liberty to present to Y. E. a memorial soliciting letter of naturalization for my son, Francisco, and my two daughters, Caroline Ana and Sophia Adelaida, all born in this department, and Y. E., after having seen the report of the secretary of government, was pleased to decree, under date of October the 8th, that the government found itself in the best disposition towards acceding to my request, but that it suspended so doing until after the arrival of the schooner California, which would probably bring the law quoted by the honorable the secretary of government, concerning the age which the children of foreigners, born in the republic, and who wish to become naturalized, ought to have. Y. Ex'cy is better informed that any body about the last events in Mexico,

and, therefore, Y. E. may easily perceive, that the return of said schooner becomes every day more uncertain, and my children are losing much time, because they have already a rather considerable number of cattle, and they shall not be enabled to solicit the property of a tract of land wherein to place it until after having obtained from Y. Excellency's kindness their respective letters of naturalization: Therefore, I submissively entreat Y. E., that on consideration of all what has been represented, and likewise of the fact of having more than sufficient ability, (faculdades,) Y. E. be pleased at once to decree agreeably to my request, considering it just; and I protest that I do not proceed maliciously, and whatever else it is necessary to attest.

Monterey, December the 12th, 1844.

(Signed) THOMAS O. LARKIN.

Excellent Sir:

The reasons manifested in the proceeding request being worthy of notice, and in order that it may *be* serve as information at the time of Y. Excellency *res*clusions in the present case, I ought to report, that Señor Larkin's children have already shown to be wishing to become naturalized in the Mexisan Republic, which is their birthplace, and they have done so because they have passed the age required by law for consenting, which requisite is sufficient to enable them to acquire their naturalization, and on account of which they show likewise to have a right to ask for a tract of land for its cultivation and occupancy, and that which they petition for is unoccupied and susceptible of being granted to the soliciting parties, under what condition the government may find expedient to stipulate to them.

Monterey, December the 13th, 1844.

(Signed) MANUEL JIMENO.

MONTEREY, *December the* 13*th*, 1844.

Conformably to the report let them be issued.

(Signed) MICHELTORENA.

The citizen Manuel Micheltoreno, General of Brigade in the Mexican Army, Adjutant General in the Staff of said army, Governor General, Commander and Inspector of the Department of California:

Whereas, Francisco Larkin and his two sisters, Caroline Ana and Sophia Adelaide, Mexican by naturalization, have solicited for their personal benefit the location situated on the western side of the Sacramento river, consisting of the Rancherias Luits, Daedae, Loyal and Suma, the extent thereof being five leagues from south to north, and two leagues from east to west, as it is explained in the sketch which is sent accompanying, for the record of proceedings, the investigations thereunto concerning having been previously accomplished, according to the prescription of the laws and regulations, by virtue of the authority in me vested in the name of the Mexican nation, I have found expedient to grant to them the aforementioned tract of land, declaring

in the republic, appear before your excellency with due respect and say, that inasmuch as my said children have a considerable quantity of cattle, and are in want of a tract of land of their property wherein to place it, they recur by means of me to your excellency's kindness, that Y. E. be pleased to grant to them a site that lies unoccupied on the western side of the river Sacramento, and which comprises the rancherias of Luete, Daedae, Sojet and Sume, its extent being five leagues from south to north, and two leagues from east to west, as it is explained in the accompanying sketch, the entire space of ground solicited being composed of ten square leagues (sitios de ganado mayor,) a little more or less.

Therefore I entreat Y. E. to deign to decree pursuantly to my request, since it is in accordance with right.

MONTEREY, *December the* 14*th*, 1844.

In the name of the parties co-named.

(Signed) THOMAS O. LARKIN.

MONTEREY, *December the* 24*th*, 1844.

Let my secretary of government report.

(Signed) MICHELTORENA.

Excellent Sir:

The land solicited by the parties concerned in this instancy, (instancia,) lies unoccupied, and inasmuch as they have already obtained their letter of naturalization to their request, but Y. Excellency's determination will be the most fitting.

(Signed) MANUEL JIMENO.

Monterey, date ut suprá.

MONTEREY, *December the* 14*th*, 1844.

Let a title deed be issued.

(Signed) MICHELTORENA.

Excellent Sir:

I, Thomas O. Larkin, appear before Y. Excellency with due respect and say: That under date of Sept. the 20th, of last year, I took the liberty to present to Y. E. a memorial soliciting letter of naturalization for my son, Francisco, and my two daughters, Caroline Ana and Sophia Adelaida, all born in this department, and Y. E., after having seen the report of the secretary of government, was pleased to decree, under date of October the 8th, that the government found itself in the best disposition towards acceding to my request, but that it suspended so doing until after the arrival of the schooner California, which would probably bring the law quoted by the honorable the secretary of government, concerning the age which the children of foreigners, born in the republic, and who wish to become naturalized, ought to have. Y. Ex'cy is better informed that any body about the last events in Mexico,

and, therefore, Y. E. may easily perceive, that the return of said schooner becomes every day more uncertain, and my children are losing much time, because they have already a rather considerable number of cattle, and they shall not be enabled to solicit the property of a tract of land wherein to place it until after having obtained from Y. Excellency's kindness their respective letters of naturalization: Therefore, I submissively entreat Y. E., that on consideration of all what has been represented, and likewise of the fact of having more than sufficient ability, (faculdades,) Y. E. be pleased at once to decree agreeably to my request, considering it just; and I protest that I do not proceed maliciously, and whatever else it is necessary to attest.

Monterey, December the 12th, 1844.

(Signed) THOMAS O. LARKIN.

Excellent Sir:

The reasons manifested in the proceeding request being worthy of notice, and in order that it may *be* serve as information at the time of Y. Excellency *res*clusions in the present case, I ought to report, that Señor Larkin's children have already shown to be wishing to become naturalized in the Mexisan Republic, which is their birthplace, and they have done so because they have passed the age required by law for consenting, which requisite is sufficient to enable them to acquire their naturalization, and on account of which they show likewise to have a right to ask for a tract of land for its cultivation and occupancy, and that which they petition for is unoccupied and susceptible of being granted to the soliciting parties, under what condition the government may find expedient to stipulate to them.

Monterey, December the 13th, 1844.

(Signed) MANUEL JIMENO.

MONTEREY, *December the* 13*th*, 1844.

Conformably to the report let them be issued.

(Signed) MICHELTORENA.

The citizen Manuel Micheltoreno, General of Brigade in the Mexican Army, Adjutant General in the Staff of said army, Governor General, Commander and Inspector of the Department of California:

Whereas, Francisco Larkin and his two sisters, Caroline Ana and Sophia Adelaide, Mexican by naturalization, have solicited for their personal benefit the location situated on the western side of the Sacramento river, consisting of the Rancherias Luits, Daedae, Loyal and Suma, the extent thereof being five leagues from south to north, and two leagues from east to west, as it is explained in the sketch which is sent accompanying, for the record of proceedings, the investigations thereunto concerning having been previously accomplished, according to the prescription of the laws and regulations, by virtue of the authority in me vested in the name of the Mexican nation, I have found expedient to grant to them the aforementioned tract of land, declaring

the same to be their property by the present letters, subject to the approval of the excellect departmental assembly, and under the following conditions:

1st. He shall not have power to sell, alienate or mortgage it, or encumber it with any annual charge, by contract, (cinto,) lien or entail, (vinculo,) security (franza) or any other encumbrance.

2d. He may enclose it without obstructing the cross-paths, roads and servitudes; he shall have the free and exclusive enjoyment of it, destining it to what use or cultivation may best suit him, but within one year he shall build a house, which shall be inhabited.

3d. When the property be confirmed to them, they shall solicit the respective judge to give to them the judicial possession, by virtue of this patent, whereby the boundaries shall be marked out, and on the limits of which he shall place, besides its landmarks, some trees, either fruit-bearing or forest trees of some utility.

4th. The tract of land granted is of ten square leagues, (sitios de ganado mayor,) a little more or less, as the respective sketch explains. The judge who should give the possession thereof shall cause it to be measured, according to ordinance; the residue resulting is to remain to the nation for convenient uses.

5th. If he should violate any of these conditions, he shall lose his right to the land, and shall become liable to be denounced by other.

Consequently, I order, that the present document answering the purpose of a title-deed to him, and being held as firm and valid, the same be entered in the corresponding book and be delivered to the parties interested, for their security and other ends.

Given in Monterey, on the 15th day of the month of December, one thousand eight hundred and forty-four.

A due entry of this patent was made in the respective book, filed the 8th.

ANGELES, *March the* 16*th*, 1846.

Account being rendered in this day's session to the honorable assembly, with this record of proceedings, it was ordered to be referred to the committee on vacant lands.

(Signed) PIO PICO.
(Signed) AGUSTIN OLVERA,
Secretary.

SIR: The committee on vacant lands has attentively examined the record of proceedings, at the instance of the children of Don Thomas O. Larkin, about the location, situated on the western side of the River Sacramento, which the departmental government granted to these young people, under the date of the 15th December, 1844, of ten square leagues, (sitios de ganado mayor.) The committee remarks, that in an instancy of Señor Larkin, of the 12th day of Dec. of the mentioned year, he makes reference to his having solicited, under date of the 20th of September, a letter of naturalization for his children,

with the indicated end, and that the hon. secretary of government, under date of the 8th of October, decreed that he suspended so doing until after the arrival of the schooner California, which might probably bring the law concerning the age that the children of foreigners, born in the republic, ought to have; and this provisional determination (providencia) is in conformity with title the 3d, article the 12th of the organic basis, yet it appears without this requisite. Government granted them to the parties, as it is seen in the decree or report of the secretary of government on the 13th of Dec'r of the same year, already mentioned, and by the content of the title, which constitutes the beginning of the title of property issued to them. Such being the case, the committee is of opinion that this record of proceedings may remain in such same case. Y. excellency's qualified illustrations may please to resolve in consideration of this opinion.

(Signed) S. ARGUELLO.

Hall of Committees of the honorable Assembly of Californias, April the 13th, 1846.

ANGELES, *April the 22d*, 1846.

In this day's sessions, the excellent assembly approved the preceding opinion.

(Signed) PIO PICO, *President.*
(Signed) AGUSTIN OLVERA, *Secretary.*

Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Sec'y.*

Tit. C. D.—Exhibit No. 1 *to the Deposition of David Spence.*

Sello Primero, Ocho Pesos.

Habilitado provicionalmente por la aduana maritima del puerto de Monterey, en el departamento de los Californias, para los años de mil ochocientos cuarenta y cuatro, y mil ochocientos cuarenta y cinco.

MICHELTORENO. PABLO DE LA GUERRA.

[SEAL.]

En ciudadano Manuel Micheltoreno, General de brigade del ejercito Mejicano, Ayudante general de la plana mayor del mismo, Comandante general é inspector del departamento de Californias.

Por cuanto Francisco Larkin, y sus hermanes Carolina, Ana y Sofia Adelaide, Mejicanas por naturalizacion, hace pretendido para su beneficio personal, el paraje situado al lado del oeste del Rio de Sacramento que comprende las rancheritas de Queti, Docdoc, Sojot, y Suma, con una estension de cinco leguas de sur á norte y dos leguas de oriente á poniente, como se esplica en el diseño que acompaña al espediente: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por las leyes y reglamentos; usando de las facultades que me son conferidas á nombre de la nacion Mejicana, he venido

en concederles el terreno nombrado, declarandoles la propiedad de él por las presentes letras, sujetandose á la aprobacion de la ex'ma asamblea departamental y bajo las condiciones siguientes:

1a. No podra verderlo, enajenarlo ni hipotecarlo imponer censo, vinculo, fianza ni otro gravamen alguno.

2a. Podra cercarlo sin perjudicar las travesias, caminos y servidumbres; lo disfrutará libre y esclusivamente destinandole al uso ó cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada.

3a. Cuando se les confiere la propiedad, solicitará del juez respetivo que les dé la posecion jurisdica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites, pondran á mas de sus mohoneras algunos árboles frutales, ó silvestres de alguna utilidad.

4a. El terreno de que se les hace mencion es de diez mil de ganado mayor, segun esplica el diseño respetivo. El juez que diere la posecion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la nacion para los usos convenientes.

5a. Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que sirviendoles de titulo el presente y teniendose por firme y valedero se tome razon, de el en el libro respectivo, y se entreque al interesado para su resguardo y demas fines.

Dado en la ciudad de Monterey, á los quince dias del mes de Diciembre, del año de mil ochocientos cuarenta y cuatro.

MANUEL MICHELTORENO.
MANUEL JIMENO, *Sec'o.*

D'ros 18 p's.

Queda tomada razon de este despacho en el libro respetivo á hoja 8.
Dros 18 pesos. JIMENO.

Received for record at 10 o'clk, at the 27th September, A. D. 1851.
Recorded Sept. 27, A. D. 1851, folios 53 and 54, lba. A.

U. S. MONRON,
Recorder, Colusi county.
JNO. T. BLEGNAN,
Dep'y Recorder.

Recorded in book (B) of records of the municipality of Monterey, page 11, March 2d, 1850.

WM. S. JOHNSON,
Acting Recorder, Clerk.

In new book of records, page 11, No. 14½.

HUGO REID.

Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Secretary.*

R.—Translation of D.

Translation.

The citizen Manual Micheltorena, General of Brigade of the Mexican Army, Adjutant General of the Plana Mayor of the same, Governor and Inspector of the Department of the Californias:

Whereas, Francis Larkin and his two sisters, Caroline Ann, and Sophia Adelaide, Mexicans by naturalization, have petitioned for their own personal benefit, for the certain piece (or tract) of land on the westerly side of the Sacramento river, comprising the rancherias of Queti, Dacdac, Sojot and Luni, extending five leagues from north to south, and two leagues from east to west, as is described in the plan accompanying the petition. The preliminaries and investigations required by the laws and regulations having been previously gone through, by virtue of the power and privileges in me vested, in the name of the Mexican nation, I have concluded to grant unto them the said piece or tract of land, declaring them to be the owners and proprietors thereof by these presents; provided said presents meet the approbation of the [illegible] the legislature of the department, and under the following conditions, to wit:

Firstly. They can neither sell, alienate nor mortgage said property, nor demand any rent for the use thereof, nor in any way encumber nor engage the same.

Secondly. They may enclose it, provided they do not prejudice the roads, by-ways, and other mediums of communications. They will enjoy the same freely and exclusively, employing or cultivating it in the way which may appear unto them best; but within a year they will erect thereon a building to be used as a dwelling-house.

Thirdly. When the title of proprietorship shall have been confirmed unto them, they will solicit of the proper authority the lawful possession of the same by virtue of these presents, by which the boundaries shall be described, within which boundaries landmarks shall be put up, besides which some fruit-bearing, or other trees of some utility, are to be planted.

Fourthly. The land which is disposed of by this grant is composed of ten pasture-grounds for black cattle, (a little more or less,) as is shown on the corresponding map. The judge who will give possession will order said land to be measured in conformity to the regulation thereof, and whatever is over and above, is to remain the property of the nation, to be applied to whatever purposes may be convenient.

Fifthly. Should the above conditions be violated by them, they will forfeit their right to the land, which it will be in the power of government to grant unto some other person.

In consequence whereof, I order that these presents, constituting their title, and to be considered as binding, and which shall be recorded in the proper book and delivered to the petitioners, for their personal security and satisfaction.

Given in Monterey, on the fifteenth day of December, one thousand eight hundred and forty-four.

(Signed) MANUEL MICHELTORENA.
(Signed) MANUEL JIMENO, *Sec'y.*

The above is recorded in the book of records, folio 8.

(Signed) JIMENO.

Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Sec'y.*

H.—Certificate and Map.

El que suscribe: Secretario del gobierno departamental de Californias, certifico: Que el diseño que se acompaño en este documento es firmado, por el mismo encargado de la secretario, por estar esactamente igual al orijinal que ecsiste en el espediente respectivo, el cual está en la dicha secretaria.

Igualmente está dispuesto por el Ex'mo S'or Gobernador General Dn. Manuel Micheltorena, que en razon de estar este pais siutiendo convulsiones politicas, se prorrogue por dos años mas contados desde esta fecha el tiempo que tenia señalado en su titulo para hacer casa Dn. Tomas O. Larkin, como represente de sus hijos á quienes se les concedió un terreno en los marjenes del rio del Sacramento.

Monterey, tres de Enero, de mil ochocientos cuarenta y cinco.

MANUEL JIMENO.

[*For map see original, page* 38.]

Received for records at 10 o'clock, on the 27th of September, A. D. 1851. Recorded 27 September, 1851, fo. 55, book A.

Recorded in the book (B) of records of the municipality of Monterey, page 12, March 2d, 1850.

WM. S. JOHNSON,
Acting Recorder's Cl'k.

In the new book of records, page 12, No. 12.

HUGO REID.

Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Secretary.*

E.—Annexed to the deposition of Antonio Maria Pico.

Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante General de la Plana Mayor del mismo, Gobernador Comandante General é Inspector del Departamento de Californias:

Habiendo Dn. Francisco Larkin, cumplido con las condiciones y requisitos que previene la ley respectivo, que arreglo el modo con que

deben concederle la carta de naturalizacion, á los echanjeros y acompañando los documentos, que lo acreditan declaro al referido D. Francisco Larkin, por las presentes naturalizado en la Republica Mejicana, en virtud de la autoridad que por aquella ley se me confiere.

Monterrey, 13 de Deciembre, de 1844.

MANUEL MICHELTORENA.
MANUEL JIMENO, *Secr'o.*

Reg'do á Fojas 14.
Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Secr'y.*

Translation H.—T. C.—Certificate and Map, annexed to the deposition of Antonio Maria Pico.—Oct. 22, 1853.

The undersigned secretary of the departamental government of California, certifies: That the plat which is accompanied in this document is signed by himself, as secretary, as being exactly equal to the original which exists in the respective espediente, which is in the said secretary's office.

Also, it is decreed by the most excellent governor Don Manuel Micheltorena, that, in consequence of the political disturbances which this country is experiencing, the time which was stipulated in the title to Dn. Tomas O. Larkin, as the representative of his children, to whom there was granted a tract of land on the margin of the Sacramento river, to build a house thereon, is prolonged two years from this date.

Monterrey, January third, one thousand eight hundred and forty-five.

(Signed) MANUEL JIMENO.

I, George Fisher, secretary to the U. S. land commission to ascertain and settle the private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a Spanish document in case No. 130, wherein Francis Larkin et al. claims the Rancho de Larkin, now on file in this office.

In testimony whereof, I have hereunto signed my name, office of the secretary of the above named commission, at the city of San Francisco, this 3d day of April, A. D. 1854.

GEO. FISHER, *Sec'y.*

Filed in office, Jan'y 5th, 1853.
(Signed) GEO. FISHER, *Sec'y.*

Translation E.—T. C.—Naturalization Paper, annexed to deposition of Antonio Maria Pico.—Oct. 22d, 1853.

Manuel Micheltorena, Brigadier general of the Mexican army, Adjutant general of the chief staff thereof, Governor, Commandant general and inspector of the department of the Californias.

D'n Francisco Larkin's having complied with the conditions and requirements prescribed by the respective law which regulates the manner of granting letters of naturalization to foreigners, and being accom-

panied the documents which confirm it, I hereby declare the said Don Francis Larkin naturalized to the republic of Mexico, by virtue of the authority with which I am vested by the said law.

(Signed) MANUEL MICHELTORENA.
(Signed) MAN'L JIMENO, *Sec'y.*

Monterey, December 13th, 1844.

Recorded on the 14th page or leaf.

I, George Fisher, secretary to the U. S. land commissions to ascertain and settle the private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a Spanish document in case No. 130, wherein Francis Larkin et al. claim the Rancho de Larkin, now on file in this office.

In testimony whereof, I have hereunto signed my name, office of the secretary of the above named commission, at the city of San Francisco, this 3d day of April, A. D. 1854.

GEO. FISHER, *Sec'y.*

Filed in office, Jan'y 5th, 1853.
(Signed) GEO. FISHER, *Sec'y.*

G.—Annexed to the Deposition of Antonio Maria Pico.

Manuel Micheltorena, General de Brigada del Ejercito Méjicano, Ayudante General de la Plana Mayor del mismo, Gobernador, Comandante General é Inspector del Departamento de Californias:

Habiendo Doña Sofia Adelaida Larkin, compledo con las condiciones y requisitos que previene la ley respectiva que arregla el modo con que deben concederse la carta de naturalizacion á los eshangeros y acompañado los documentos que lo acreditan, declaro á la referida Doña Sofia Adelaida Larkin, por las presentes naturalizada en la republica Mejicana, en virtud de la autoridad que por aquella ley se me confiere.

Monterey, 13 de Diciembre, de 1844.

MAN'L MICHEL'A,
MAN'L JIMENO, *Secr'o.*

Rego. a fojas 14.

Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Sec'y.*

F.—Annexed to the Deposition of Antonio Maria Pico.

Manuel Micheltorena, General de Brigada del Ejercito Méjicano, Ayudante General de la Plana Mayor del mismo, Gobernador, Comandante General é Inspector del Departamento de Californias:

Habiendo Doña Carolina Anna Larkin, cumplido con las condiciones y requisitos que previene la ley respectiva que arregla el modo con que deben consederse la carta de naturalizacion á los estranjeros y acompañado los documentos que lo acreditan, declaro á la referida

7 3 2

Doña Carolina Anna Larkin, por las presentes naturalizada en la republica Méjicana, en virtud de la autoridad que por aquella ley se me confiere.

Monterey, 13 de Diciembre, de 1844.

MAN'L MICHELT'A,
MAN'L JIMENO, *S'rio.*

Rego. a fojas 14.

Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Sec'y.*

Translation G.—T. C.—Doc. of Naturalization, annexed to the Deposition of Antonio Maria Pico.—Oct. 22d, 1853.

Manuel Micheltorena, Brig'r General of the Mexican Army, Adjutant General of the Chief Staff thereof, Governor, Commandant General, and Inspector of the Department of the Californias:

Doña Sofia Adelaida Larkin having complied with the conditions and requirements prescribed by the respective law which regulates the manner of granting of letters of naturalization to foreigners, and being accompanied, which confirm it, I hereby declare the said Doña Sofia Adelaida Larkin naturalized to the republic of Mexico, by virtue of the authority vested in me by the said law.

Monterey, December 13th, 1844.

(Signed) MAN'L MICHEL'A,
(Signed) MAN'L JIMENO, *Sec'y.*

Recorded on the 14th page or leaf.

I, Geo. Fisher, secretary to the U. S. land commission to ascertain and settle the private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a Spanish document in case No. 130, wherein Francis Larkin et al. claim the Rancho de Larkin, now on file in this office.

In testimony whereof, I have hereunto signed my name, office of the secretary of the above named commission, San Francisco, this 3d day of April, A. D. 1854.

GEO. FISHER, *Sec'y.*

Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Sec'y.*

Translation F.—T. C.—Naturalization Doc., annexed to Deposition of Antonio Maria Pico.—Oct. 22d, 1843.

Manuel Micheltorena, Brig'r General of the Mexican Army, Adjutant General of the Chief Staff thereof, Governor, Commandant General, and Inspector of the Department of the Californias:

Doña Carolina Anna Larkin having complied with the condition and requirements prescribed by the respective law which regulates the manner of granting letters of naturalization to foreigners, and being

accompanied the documents which confirm it, I hereby declare the aforesaid Doña Carolina Anna Larkin naturalized to the republic of Mexico, by virtue of the authority in me vested by said law.

Monterey, December 13th, 1844.

(Signed) MAN'L MICHELT'A.
(Signed) MANUEL JIMENO, *Sec'y.*

Recorded on the 14th page, or leaf.

I, George Fisher, secretary to the U. S. land commission to ascertain and settle the private land claims in the State of California, hereby certify the foregoing to be a true and correct translation of a Spanish document, in case No. 130, wherein Francisco Larkin et al. claim the Rancho de Larkin, now on file in this office.

In testimony whereof I have hereunto signed my name, office of the secretary of the above-named commission, at the city of San Francisco, this 3d day of April, A. D. 1854.

GEO. FISHER, *Sec'y.*

Filed in office, Jan'y 5th, 1853.

GEO. FISHER, *Sec'y.*

Espediente promovido por D'n Manuel Jimeno, en pretencion de un terreno en el Rio del Sacramento.

(413.)

Sello Cuarto, Dos Reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro, y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA.

MICHELTORENA.

Ex'mo S'or Gobernador:

Manuel Jimeno, vecino de este departamento ante V. E. con el debido respeto hago presente: que conveniendo á mis intereses establecer un rancho por el Rio del Sacramento, segun el diseño que acompaño, suplico á V. S. se sirva concederme le por estar completamente baldio y sin que le haya pedido persona alguna el terreno segun manifiesta el mapa general que se ha formado en este año por el Agrimensor Bostwell, de caya gracia recibiré merced de V. E.

Monterey, Noviembre 1o, de 1844.

MANUEL JIMENO.

MONTEREY, *Noviembre 1o, de* 1844.

No perdiendo informar el S. interesado por ser lo ya la vez s'rio del despacho, remitira á la vista todo lo que conviene tener presentes para proveer.

MICHELTORENA.

MONTERREY, 2 *de Noviembre, de* 1844.

Vista la peticion con que da principio este espediente, el estado inculto en que se encuentra el terreno solicitado segun el mapa general que se ha formado del Rio Sacramento con todo lo demas que se tuvo presente, y ver lo mismo de conformidad con las leyes y reglamentos de la materia, declara á D'n Manuel Jimeno dueño de once sitios de ganado mayor, entre el Rio del Sacramento el rancho que han solicitado los hijos del Señor Larkin, y las tierras valdias por la parte del sur, segun manifiesta el diseño respetivo. Librese el correspondiente despacho, tomese razon en el libro respectivo y entreguese al interesado para su resguardo y demas fines.

MONTERREY, fecha la misma.

El ciudadano Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante General de la Plana Mayor del mismo, Gobernador, Comandante General é Inspector de Departamento de las Californias.

Por cuanto Don Manuel Jimeno ha pretendido para su beneficio personal el sitio que se halla des ocupado en el rancho que se le ha concedido á los hijos de Don Thomas O. Larkin, el del Rio del Sacramento y las tierras valdias que estan por la parte del sur todo confirme ó se demuestra en el diseño respectivo practicadas previamente las diligencias y averiguaciones, concernientes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades que me son conferidas á nombre de la nacion Mejicana, he venido en concederle el terreno mencionada, sujetandose á las condiciones siguientes:

1o. Podrá cercarlo sin perjudicar las travesias, caminos y servidumbres, lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode.

2o. Solicitará del juez respectivo que le de la posecion juridica en virtud de este despacho por el cual se demarcaran las linderas en cuyos limites pondrá á mas de sus mohoneras alguno árboles frutales, ó silvestres de alguna utilidad.

3o. Si contraviniere á estas condiciones perderá su derecho al terreno.

En consecuencia mando que teniendose por firme y valedero el presente titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterrey, á cuatro de Noviembre, de mil ochocientos cuarenta y cuatro.

MANUEL MICHELTORENO.
MANUEL JIMENO, *Secr'o.*

Queda tomada razon de este despacho en el libro respectivo á hoja.

[*For map see original, page* 46.]

Ex'ma Junta Departamental:

Manuel Jimeno ante V. S. con todo el respeto debido digo presente: que por el titulo adjunto se acredita haberse concedido á mi favor un terreno en las márjenes del Rio Sacramento, y como á V. S. corresponde dar su aprobacion suplico se digne otorgarla de lo que recibiré gracia y merced. Júro lo necessario, & serviendose dispensarme el papel comun por no haber del correspondiente.

Monterrey, Abril 21, de 1846.

MANUEL JIMENO.

ANGELES, *Junio* 3, *de* 1846.

Dado cuenta en sesion de hoy á la E. A. departamental con estas instancias, se mandó pasar á la comision de terrenos valdios.

AGUSTIN OLVERA.

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR CALIFORNIA.

I, Samuel D. King, Surveyor general of the United States for the State of California, and as such now having in my office, and under my charge and custody, a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify that the seven preceding and hereunto annexed pages of tracing paper, numbered from one to seven, inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copy of certain documents now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name, officially, and affixed my private seal, (not having a seal of office,) at the city of San Francisco, Cal., the twenty-seventh day of January, 1853.

SAMUEL D. KING,
Surveyor Gen'l, Cal.

Filed in office, April 11, 1853.

GEO. FISHER, *Sec'y.*

Espediente X.

Espediente promovido por Jacinto Rodriguez, en pretenciere de un terreno por el Rio del Sacramento.—421.

Sello Quinto, Un Real.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro, y mil ochocientos cuarenta y cinco.

MICHELTORENA. PABLO DE LA GUERRA.

Ex'mo S'or Gobernador:

Jacinto Rodriguez, Mejicano por nacimiento y natural del puerto de Monterey, ante V. E. con el debido respeto, y como mas halla lugar en

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derecho representa y dice, que siendo dueno de un numero de ganado bacuno y caballos, bastante considerable y care ciendo de un terreno para el adelanto de dichos bienes, he adquirido noticias que arriba del Rio del Sacramento por la parte del poniente se halla uno, conocido por el nombre del Rio del Pleito y el Rio de los Toros, que colinda por la parte del oriente con el Rio del Sacramento por el poniente con la Sierra Madre, por el norte con un arroyo que se halla al adelante del Rio de los Toros, distante como dos leguas, poco mas ó menos y por el sur con la gentilidad y como d'ho terreno se halla enteramente baldio en todas sus partes, suplico á V. E. se sirva concederme ocho sitios de ganado mayor en el mencionado parage del Rio del Pleito que se halla delante del Rio de los Toros por el marjen del Rio Sacramento, como lo demuestra el diseño que debidamente acompaño del mencionado terreno.

Por tanto á V. E. suplico rendidamente se sirva a ceder á esta mi solicitud de lo que recibiré merced y gracia; jurando no ser de malicia y lo necesario, &c.

Angeles, Julio 3, de 1844.

JACINTO RODRIGUEZ.

MONTEREY, *Julio* 6, *de* 1844.

Informe el s'or s'rio del despacho tomando antes los que necesitare al efecto.

MICHELTORENA.

Como dispone el ex'mo s'or gobernador, servase informar el s'or alcalde 1o de Sonoma, sobre el contenido en la precedente instancia.

MANUEL JIMENO.

Fecha la misma.

S'or secretario del despacho el terreno que se hace mencion es baldio, y no pertenece á pueblo ni corporacion ninguna.

Monterey, Julio 8, de 1844.

JACOB P. LEESE.

Ex'mo S'or Gobernador:

Por el informe del alcalde de Sonoma, y por el merito, y posibilidad del que representa estiendo que no hai inconveniente alguno para que se acceda á s'or pretencion. La superior disposicion de V. E. hara lo que mesor convenga.

MONTERREY, *Set're* 2, *de* 1844.

Habiendoseme presentado hasta hor esta solicitud, no obstante la fecha del anterior informe, concede á ellos el pedido que se hace vistos los informes.

MICHELTORENA.

El ciudadano Manuel Micheltorena, General de Brigada del Ejercito Mejicano, Ayudante General de la Plana Mayor del mismo, Gobernado, Comandante General è Inspector del Departamento de las Californias.

Por cuanto D. Jacinto Rodriguez ha pretendido para su beneficio personel el terreno que se halla donde la embarcadera del Rio de Copas, en la veilla del Rio del Sacramento, rumbo al sur hasta donde midan cuatro leguas, debiendo ser de dos de ancho por la parte del oeste para que resulte terreno ocho leguas cuadradas, practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes, y reglamentos de la materia; usando de las facultades que me son conferidas á nombre de la nacion Mejicana, he venido su concederle al terreno mencionado, sujetandose á la aprobacion de la ex'ma asamblea departamental, y á las condiciones siguientes:

1o. Podra cercarlo sin perjudicar las travesias, caminos, y servidumbres, lo disfrutará libre, y esclusivamente destinandolo al uso ó cultivo que mas le acomode.

2o. Solicitará del juez respectivo que le de la posesion juridica, en virtud de este despacho por el cual se demarcaran los linderos en cuejos limites pondrá á mas de las mohoneras algunos arboles frutales, ó silvestres de alguna utilidad.

3o. Si contraviniere á estas condiciones perdera su derecho al terreno, y sera denunciable por otro. En consecuencia mando que teniendose por firme, y valedero el presente titulo se tome razon de el en el libro respectivo, y se entregue al interesado para su resguardo, y demas fines.

Dado en Monterey, á dos de Setiembre, de mil ochocientos cuarenta y cuatro.

MICHELTERENA.

Queda tomada razon de este despacho en el libro respectivo.

JIMENO, *S'cro.*

[*For map see original, page* 49.]

OFFICE OF THE SURVEYOR GENERAL OF THE UNITED STATES FOR THE STATE OF CALIFORNIA.

I, John C. Hays, surveyor general of the United States for the State of California, and as such now having in my office and under my charge and control a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the seven preceding and hereunto annexed pages of tracing paper, numbered from one to

seven inclusive, exhibit a true and accurate copy of certain documents now on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name officially and caused my seal of office to be affixed, at the city of San Francisco, Calif'a, this twenty-sixth day of October, A. D. 1853.

JOHN C. HAYES,
U. S. Surveyor General for California.

Filed in office, April 11, 1853.

GEO. FISHER, *Secretary.*

Motion to amend Petition, and further purposes.

FRANCIS LARKIN et al.
vs.
THE UNITED STATES.

And now at this day come the said claimants by their attorney, Thompson Campbell, and upon the petition of Frederick Hobson Larkin and Alfred Otis Larkin, by their next friend Thomas O. Larkin, herewith filed, move the commission for leave, first, to suggest on the record the death of Sophia Adelaide Larkin, one of the above named claimants; second, to amend the original petition by making Frederick Hobson Larkin and Alfred Otis Larkin parties thereto; third, to file proof of the death of Sophia Adelaide Larkin; fourth, to file proof of heirship in Thomas O. Larkin; fifth, to file, nunc pro tunc, a certain deed of conveyance, bearing date, from the said Thomas O. Larkin to Frederick Hobson Larkin and Alfred Otis Larkin; sixth, to amend the decree heretofore entered in the above entitled cause, so as to confirm the one undivided third part of the lands therein described to the said Frederick Hobson and Alfred Otis Larkin, and to the before representatives of the said Sophia Adelaide Larkin, deceased.

CAMPBELL,
Att'y for Claimants.

Filed in office, June 27th, 1854.

GEO. FISHER, *Secr'y.*

Affidavit.

STATE OF CALIFORNIA,
County of San Francisco, ss:

Personally appeared before the undersigned United States land commissioner, A. C. Whitcomb, who being duly sworn on his oath says, that he is the attorney of record in case No. 130, wherein Francis Larkin, Caroline Ann Lark in and Sophia Adelaide Larkin, are claimants, and the United States are respondents, which case has been decided by the Board of United States land commissioners; and that he presented and filed the petition in said case, in the name of the said claimants, having no knowledge of the death of the said Sophia Adelaide Larkin, but supposed she was at that time still living; and this affiant would also state, that he was employed to prosecute said

claim by one William F. Eames, in the absence of Thomas O. Larkin, from this State, and during the time he, the said Larkin was paying a visit to the Atlantic States, and that it was during that time the petition was prepared and filed in said cause.

A. C. WHITCOMB.

Subscribed and sworn to before me, this 27th day of June, 1854.

ALPHEUS FELCH,
Commissioner.

Filed in office, June 27th, 1854.

GEO. FISHER, *Secr'y.*

Petition.

To the honorable the board of United States Land Commissioners for settling the private land claims in California.

Your petitioners, Frederick Hobson Larkin, and Alfred Otis Larkin, minors under the age of twenty-one years, by their next friend, Thomas O. Larkin, would respectfully represent: That on the 24th day of March, 1852, a petition in the names of Francis Larkin, Caroline Ann Larkin, and Sophia Adelaide Larkin, was filed before your honorable board, in which it is represented, that they, the said Francis, Caroline Ann, and Sophia Adelaide, claimed a certain tract of land, situated on the westerly side of the Sacramento river, called the Larkin Ranch, containing ten leagues, more or less; that they claimed the same by virtue of a grant made to them by Governor Micheltoreno, bearing date the 15th day of December, 1844, and approved by the territorial deputation on the 22nd day of April, 1846.

Your petitioners would further represent, that said claim, presented as aforesaid, was on the day of 185 , duly submitted to your honorable board for adjudication and decision, and that on the 15th day of April, 1854, the decision of your honorable board confirming said claim to the said Francis, Caroline Ann, and Sophia Adelaide, was duly filed in the secretary's office of the said board of commissioners, and on the same day a decree of confirmation thereon was duly entered and filed, and which is in the following words:

FRANCIS LARKIN, CAROLINE ANN LARKIN, and SOPHIA ADELAIDE LARKIN,
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioners is valid, and it is therefore decreed that the same be confirmed.

The lands of which confirmation is hereby made are known by the name of the ranch of Larkin's children, and are bounded and described as follows, to wit: commencing at the northern boundary line of said ranch, at a point on the Sacramento river, just two leagues northerly from the rancheria called Sojot, and running south on the mar-

gin of said river, the distance of five leagues; thence west two leagues; thence north, in a parallel line with said river, the distance of five leagues; thence east two leagues, to the place of beginning, containing in all ten square leagues.

Reference for further description to be had to the map which forms a part of the traced copy of the espediente filed in this case, and also to the original grant.

Your petitioners would further represent, that at the time of filing said petition in said claim as above set forth, and long before that time, to wit, during the war with Mexico, one of the said petitioners, to wit, Sophia Adelaide, had departed this life, and that the said Thomas O. Larkin, who represented and acted as the agent of the said petitioners, did through inadvertence neglect, and wholly failed to inform the attorney, employed to present and prosecute said claim before your honorable board, of the death of the said Sophia Adelaide; and the said attorney, as your petitioners are informed and believe, was, at the time of prosecuting and filing said petition, altogether ignorant of the death of the said Sophia Adelaide, and believed her to be still living at that time.

And your petitioners would also represent, that the said Thomas O. Larkin is the father of the said Sophia Adelaide, deceased, and according to the law in force at the time of the death of the said Sophia Adelaide, he was the sole and only legal heir of his said daughter, and as such heir inherited and became possessed of the one undivided third part of the said tract of land granted as aforesaid to the said Francis, Caroline Ann, and Sophia Adelaide Larkin.

And your petitioners would further represent and state, that by said deed of conveyance, executed as aforesaid by the said Thomas O. Larkin, they became the legal representatives of the said Sophia Adelaide Larkin, and as such representatives were entitled to the confirmation of the one undivided third part of said tract of land; and they further aver and show, that at the time when they became so possessed as aforesaid, to wit, on the 30th day of September, 1852, the time within which the said claim was, by the law of the 3rd of March, 1851, authorized to be presented to your honorable board had not transpired, and did not transpire until the 3rd of March, 1853.

Your petitioners therefore pray, that the said decree entered as aforesaid, whereby the undivided one-third part of said tract of land was confirmed to and in the name of the said Sophia Adelaide, deceased, be so far opened, corrected and revised, as to allow your petitioners, the said Frederick Hobson Larkin and the said Alfred Otis Larkin, to be made parties thereto, and that they be allowed to introduce as evidence, nunc pro tunc, the said deed of conveyance, executed by the said Thomas O. Larkin as aforesaid; and they further pray, that said decree be so amended as to confirm the interest heretofore adjudged by

your honorable board to be in the said Sophia Adelaide, deceased, to her legal representatives as aforesaid.

And your petitioners will ever pray, &c.

FREDERICK HOBSON LARKIN,
ALFRED OTIS LARKIN,
By their next friend, THOMAS O. LARKIN.
CAMPBELL, *Att'y for Petitioners.*

STATE OF CALIFORNIA,
County of San Francisco, ss:

Personally appeared before me, Alpheus Felch, United States land commissioner, the undersigned Thomas O. Larkin, who, being duly sworn, on his oath says, that the allegations, averments and facts set forth in the foregoing petition are true and correct, according to his information and belief.

Sworn to and subscribed before me, this 27th day of June, 1854.
ALPHEUS FELCH, *Commissioner, &c.*

Filed in office, June 27th, 1854.
GEO. FISHER, *Sec'y.*

Stipulation.

In the matter of the application of Frederick Hobson Larkin and Alfred Otis Larkin, to be made parties to the decree heretofore rendered in case No. 130, wherein Francis Larkin, Caroline Ann Larkin, and Sophia Adelaide Larkin are claimants, and the United States are respondents, it is hereby stipulated, by and on the part of the United States law agent, that the amendment prayed for in said application may be made, and that the deed of conveyance therein referred to may be filed as evidence in the cause, nunc pro tunc; and it is further agreed on the part of said law agent, that the fact of the death of the said Sophia Adelaide Larkin, as alleged in said application, is admitted; and it is also admitted that the said Thomas O. Larkin, the grantor in the said deed of conveyance, is the father of the said Sophia Adelaide, deceased, as aforesaid. And it is further stipulated and agreed, on the part of the said law agent, that the said Sophia Adelaide was at the time of her death unmarried, and that she died without issue of any kind. J. H. McKUNE, *Law Agent.*

June 27th, 1854.

Filed in office, July 11th, 1854.
GEO. FISHER, *Sec'y.*

Order of Commission allowing Motion.

The commission, after due deliberation, allowed the motion heretofore made to prevail.

And it is further ordered and decreed, that said petition, filed as aforesaid, stand as supplemental petition to the original petition filed in the cause, and that said petitioners be made parties thereto; which petition is as follows, to wit: (Vide Record of Petitions, vol. , p. .)

It is also ordered and decreed, that an amended decree be entered in said cause, confirming to the said Frederick Hobson Larkin and Alfred Otis Larkin, and to the legal representatives of Sophia Adelaide Larkin, deceased, as tenants in common with Francis Larkin and Caroline Ann Larkin, the one undivided third part of the tract of land heretofore confirmed to Francis Larkin, Caroline Ann Larkin and Sophia Adelaide Larkin; which amended decree is in the following words and figures, to wit: (Vide Record of Decisions, vol. , p. .)

Filed in office, July 11th, 1854.

GEO. FISHER, *Sec'y*.

Deed—H.

Know all men by these presents, that I, Thomas O. Larkin, of the city of San Francisco, State of California, for and in consideration of the rational love and affection which I have and bear for my sons, Frederick Hobson Larkin and Alfred Otis Larkin, as also for the better support, maintenance, and livelihood of my said sons, have, this thirtieth day of September, one thousand eight hundred and fifty-two, given, granted and confirmed, and by these presents do give, grant and confirm unto my said sons, Frederick Hobson Larkin and Alfred Otis Larkin, their heirs and assigns, forever, the undivided one-third part of all that tract or piece of land in the county of Colusi, State of California, known as Larkin's children's ranch, being and situated on the western bank of the Sacramento river, running and lying on said river five Spanish leagues, containing an area of ten Spanish leagues; which tract or piece of land was given and granted on the day of , one thousand eight hundred and fifty-four, by Manuel Micheltoreno, commander-in-chief and governor of California at that time, to Francis Rogers Larkin, Caroline Ann Larkin, and Sophia Adelaide Larkin, who were born in Monterey, said California, and are children of said Thomas O. Larkin, to whom was devised the within-named undivided one-third part of said tract or piece of land, by the death in San Francisco, California, of his said child, Sophia Adelaide Larkin; which undivided one-third part of said tract of land, together with all and singular the hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, now or hereafter, and all the estate, right, title, interest, property, claim or demand whatsoever of the said Thomas O. Larkin, of, in, and to said undivided one-third part of said premises, part and parcel thereof, with the appurtenances thereof: To have and to hold all and singular the premises hereby given and granted unto the said Frederick Hobson Larkin and Alfred Otis Larkin, their heirs and assigns, to their own proper use and benefit forever.

In witness whereof, the said Thomas O. Larkin hath hereunto set his hand and seal, the day and date first mentioned.

THOMAS O. LARKIN. [SEAL.]

In presence of—JOHN B. R. COOPER.

STATE OF CALIFORNIA,
County of San Francisco, ss:

On the thirtieth day of September, A. D. 1852, before me, the undersigned notary public in and for said county, personally appeared Thomas O. Larkin, known to me to be the person described in and who executed the foregoing conveyance, and acknowledged that he executed the same, freely and voluntarily, for the uses and purposes therein set forth.

[SEAL.] Witness my hand and official seal, the day and date above written.

WM. STANWOOD, *Not. Public.*

Received from Thomas O. Larkin and filed for record, Sept. 24th, A. D. 1853, at 7 o'clock a. m., and recorded in book A of Deeds, on pages 381 and 382.

E. D. WHEATLEY, *Recorder.*
By J. B. LAING, *Deputy.*

Recording, $4 40. (Paid.)

Filed in office, July 11th, 1854.

GEO. FISHER, *Sec'y.*

Order of Survey.

For the purpose of determining with precision and certainty the limits and boundaries of the land claimed by Francisco, Caroline Ann and Sophia Adelaide Larkin, in their petition No. 130, pending before the commissioners, it is, on motion of the counsel for the claimants, ordered, that an initiatory survey, under the superintendence of the United States surveyor general for California, be made of the land known by the name of the Larkin Ranch, or the ranch of Larkin's children, to the extent of ten sitios de ganado mayor, on the westerly side of the Sacramento river, comprising the rancherias Juets, Dacdac, Sojot and Sunn, having its upper or northerly boundary line on the lower or southerly boundary line of the tract of land called the Rodriguez Ranch, with an extension of five leagues from northerly to southerly, and two leagues from easterly to westerly, as appears in the map, plan or sketch, making part of the expediente in this case, locating the said quantity of ten sitios according to the claim of the above-mentioned claimant, and having reference to the plan or sketch annexed to the said expediente, but in such a manner as to confine such location within the said limits, and to indicate in the survey to be made the said quantity of ten sitios.

But this order is not in any manner to determine, as against the United States, either the question of title, the construction of the grant, the location, boundaries, or extent of the land, to which the claimants may be entitled.

Filed in office, August 14th, 1852.

GEO. FISHER, *Sec'y.*

L.—Copy of Survey Notes.

Copy of notes in the survey of the Rancho de los Nenas.—Francisco and Caroline, Adelaide Larkin.

Stations.	Bearings.	Distance.	Stations.	Bearings.	Distance.	Stations.	Bearings.	Distance.
1	S 59° 30 W.	748.44	30	N. 89°00 W.	1226.02	59	S. 71°10 W.	551.04
2	S.	102.96	31	S. 51 00 W.	219 03	60	S. 29 15 W.	281.09
3	S. 22° 30 E.	393.09	32	S. 15 10 W.	830 04	61	S. 13 50 W.	606.04
4	S. 63° 15 E.	356.04	33	S. 53 05 E.	853.03	62	S. 41 00 W.	844.05
5	N. 72° 30 E.	121.04	34	N. 62 12 E.	1228.08	63	South.	1378.09
6	N. 15° 7½ W.	264.00	35	S. 37 15 E.	1566.06	64	S. 54 15 W.	732.07
7	N. 50° 40 E.	958 02	36	S. 21 30 E.	507.03	65	East.	121.01
8	S. 33° 22½ E.	257 03	37	S. 3 30 E.	965 01	66	N. 45 00 W.	678.68
9	N. 45 20 E.	311 00	38	S. 18 45 E.	726 02	67	N. 9 00 E.	678.02
10	N. 28 15 E.	353 05	39	S 10 5 W.	364.02	68	East.	164.06
11	N. 35 15 W.	551.00	40	S. 57 50 E.	582.78	69	South.	643.08
12	N. 17 40 E.	737.07	41	S. 9 15 E.	1001.02	70	S. 11 37½ W.	606.09
13	S. 84 30 E.	537·02	42	S. 39 52 W.	499.00	71	S. 72 00 W.	876.09
14	S. 25 15 E.	773.01	43	W.	566 04	72	S. 25 30 W.	263.06
15	S. 35 20 W.	640 08	44	N. 12 45 W.	610.01	73	S. 22 20 E.	415.07
16	S. 20 30 E.	1173.00	45	N. 3 40 E.	166 00	74	S. 1 45 E.	320.06
17	N. 88 30 W.	1105.08	46	N. 45 5 W.	778 00	75	S 24 22½ E.	272.04
18	N. 54 00 W.	442.04	47	S. 64 00 W.	919.00	76	S. 61 15 E.	1349.09
19	S. 37 00 W.	631.05	48	S. 12 50 E.	603 07	77	S. 48 20 W.	502.04
20	S. 31 00 E.	575.01	49	S. 21 45 E.	52.02	78	S. 69 7½ W.	1107.05
21	S. 52 00 E.	454.06	50	S. 71 15 E.	1423.00	79	S. 2 28 W.	917.07
22	S. 1° 30 E.	466 06	51	S. 63 30 W.	134.00	80	S. 77 45 W.	277.05
23	S. 21 30 E.	333.01	52	S. 2 15 E.	581.01	81	S. 55 55 W.	602.05
24	S. 2 40 E.	751 07	53	S. 30 50 W.	610.02	82	S. 35 5 E.	857.01
25	S. 67 40 E.	854.04	54	S. 22 12 E.	628 06	83	S. 23 30 W.	1337.06
26	S. 76 30 E.	470.89	55	S. 30 15 E.	380.03	84	S. 32 00 E.	549.04
27	S. 11 43 E.	706.00	56	S. 46 00 E.	176.07	85	West.	942.76
28	S. 63 45 W.	347.08	57	S. 4 48 W.	735.04	86	N. 7 35 W.	250.00
29	S. 74 45 W.	590.04	58	S. 56 18 E.	876.04	87	East.	95.40

Commencing on a line bearing south three degrees (3°) twenty-two minutes (22), east, distant twenty-thousand (20,000) varas from the mouth of Capay river, at the southeast corner of lands owned by Dr. William H. McKee, containing ten leagues and twenty-two thousand two hundred and fifty-two (22,252) square varas, after deducting three million eleven thousand seven hundred and eighty-eight (3,011 788) square varas to balance the contents of offsets, being the amount contained by the meandering of the Sacramento river, less than the lines of survey.

A true copy as surveyed in October, 1847.

WILLIAM B. IDE,

Land Surveyor in and for the northern dist. of Upper California.

Monterey, Upper California, 13th March, 1848.

MONTEREY, UPPER CALIFORNIA, 13*th March*, 1848.

THOMAS O. LARKIN,
To Wm. B. Ide, Surveyor of the Northern dist. of California, DR.

To running lines (meandering a portion of the Sacramento river) of the rancho granted to Francis and Caroline, Adelaide Larkin, amounting to thirty-one and sixty-one hundredth miles ($31\frac{61}{100}$), at six dollars ($6) per mile - - - - - - - $189 66

To running three lines on the same rancho in open lands, the ends and back amounting to twenty-six and four-tenths miles ($26\frac{4}{10}$), and three dollars ($3) per mile - - 79 20

Two hundred and sixty-eight $\frac{86}{100}$ dollars - - - $268 86

Received, Monterey, Upper California, this 13th day of March, 1848, from Thomas O. Larkin the sum of two hundred and sixty-eight dollars and eighty-six cents, in full for the full surveying, mapping, noting and putting in stakes, (at least nine inches in diameter, three feet in the ground,) at the chief corners, where there is no proper tree to mark and complete said survey. I am to furnish said Thomas O. Larkin with a full and fair map of the survey of said rancho within thirty (30) days from this date, and hereby guarantee this survey and map and accompanying notes to be full and correct, (as the rules of surveying require,) for the present and future use of said Larkin.
$268 86. WILLIAM B. IDE.

Copy of Survey Notes—Children's Ranch—by Wm. Ide, Surveyor.
1848.

Filed in office, Jan. 5th, 1853.

GEO. FISHER, *Secr'y.*

Opinion of the Board, by Com'r Thompson Campbell.

FRANCISCO LARKIN, CAROLINE ANN LARKIN, AND SOPHIA ADELAIDE LARKIN, vs. THE UNITED STATES. } 130.

Rancho of Larkin's children, containing 10 Leagues.

In this case the petitioners have placed on file, as evidence of their right to demand of the United States, a confirmation of their claim to the lands described their petition to the commissioners, the following documentary proofs: first, a duly certified traced copy of an expediente taken from the United States surveyor general's office for this State; secondly, a grant duly proved and authenticated, made by Governor Micheltorena to the petitioners in this case, bearing date the 15th day of December, A. D. 1844; thirdly, a certified copy of the original map presented by the petitioners as a part of their petition to the governor; fourthly, two original papers duly proved to be genuine, showing the naturalization of the petitioners as Mexican citizens, before they received the grant in question; fifthly, two certain expedientes belonging to other

grants; sixthly, a survey purporting to be made by one William B. Ide, on the 13th of March, 1848.

The foregoing papers embrace all the documentary proofs filed by the petitioners in the case.

In addition to the foregoing documentary evidence, the claimants have adduced a mass of oral testimony, in the shape of depositions, the greatest portion of which is entirely irrelevant and immaterial; only such portions as are deemed material and essential will be considered, and the same will be referred to when the points are taken up for discussion to which it is pertinent.

The law agent, amongst other objections which he has raised against the confirmation of this claim, insists that the grantees, at the date of their grant, were minor children of Thomas O. Larkin, and for that reason the grant is void.

In answer to this objection, it may be replied, that there is no proof that the grantees, at the time that they received the grant under consideration, were minors; and if they were, it was a fact susceptible of proof, and which proof most clearly devolved upon the party alleging it; this the government have not done, and we do not feel at liberty to assume it as true. But if they were minors, does the conclusion of law, suggested by the law agent, follow? I am not prepared to say it would. There is certainly nothing in the colonization law of 1824, or in the regulations of 1828, that justify any such conclusion, and the law agent has not referred us to any law whatever fixing the age at which persons were to receive grants of the Mexican domain. In the absence of such law, this commission cannot declare a grant void for the reason assigned by the officer representing the government. The whole question was brought to the notice of the government before the grant was made, and seems to have been fully and maturely considered. In a communication which forms part of the expediente filed in the cause, and which bears date the 13th day of December, 1844, addressed by Jimeno, at that time secretary of state, to Governor Micheltoreno, the following language is used. He says, "I ought to report that Señor Larkin's children have already shown to be wishing to become naturalized in the Mexican republic, which is their birthplace, and they have done so because they have passed the age required by law for consenting, which requisite is sufficient to enable them to acquire their naturalization, and on account of which they show likewise to have a right to ask for a tract of land for its cultivation and occupancy. The secretary of state, to whom the subject has been referred, informs the governor that the applicants have not only arrived at that age when by law they were entitled to apply for papers of naturalization, but that they were also entitled to a tract of land for the purpose of occupying and cultivating it. This I conceive to be conclusive of the right of the petitioners, to ask for and receive a grant of the public lands under the colonization laws of Mexico. The report of Jimeno rebuts in the strongest and most conclusive manner the allegation of fraud upon the Mexican government on the part of the father

of petitioners, which is made by the law agent in the brief which he has filed in the case.

That a father should manifest some parental solicitude for the interests of his children is not a very singular or even suspicious circumstance, and in the case before us there seems to have been no attempt at concealment of any kind; the whole truth was brought to the notice of the government, and every question connected with the right of the grantees to ask for and receive a grant of the public domain was investigated, considered, and reported upon by the proper officer. Besides, it is in proof that at the time the petitioners received their grant, their father, Thomas O'Larkin, was acting as consul of the United States at Monterey. His public character was therefore well known to the authorities, and no deception was or could have been imposed upon them. It is true, that the petition asking for the grant is signed by the father of the petitioners, but the petition itself explains the capacity in which he acted, and expressly states that the children on whose behalf he asked for the grant had at that time a considerable quantity of cattle, and that *the* stood in need of a tract of land upon which to put them, and the petition is signed in the name of the parties concerned. From all this, it is apparent that Thomas O. Larkin acted as the agent of his children, not only in obtaining the grant, but in taking care of it afterwards; all of which, it seems, was in no way repugnant to the laws in force at that time. We are therefore of opinion that the grant is a valid grant, so far as the legal capacity of the grantees to receive it were concerned.

An objection has been raised to the form of the approval made by the departmental assembly, and it has been insisted that it is not an unqualified approval of the grant. The committee on public lands, to whom the subject had been referred by the assembly, consider the legality of the grant, and in their report, and refer to all the proceedings in regard to the naturalization of the grantees; and although the committee express a doubt in regard to the propriety of the course pursued in the questions of naturalization, yet they say, as the government had granted the papers of naturalization, they were of opinion that the record of proceedings should remain in the same state, unless the assembly should see fit to qualify them. The report and opinion of the committee were subsequently approved by the assembly, without modification or qualification of any kind. I think it is therefore entitled to be considered as an unqualified approval of the grant. If the assembly had not intended it as such, they would either have refused their approval altogether, or they would have amended the report of the committee to suit their views.

The grant now comes before us under the sanction of an approval by the departmental assembly, made in view of all the facts and circumstances of the case, and the first question to be determined is, have the petitioners shown a substantial compliance with the conditions of their grant?

The deposition of Peter Lassen establishes the following facts: He testifies that he knew the ranch in question; that it is situated on the west side of the Sacramento river; that he was on it in November or December, 1845, at which time John Williams was living on the land; that he (Williams) had a small house which he inhabited with a family by the name of Anderson; that Williams was engaged in building another house; that at that time there were on the place stocks of cows, horses and hogs, but the witness could not state the quantity; that Williams was also making rails and preparing to enclose land for cultivation, and that there were also corrals on the place. The witness further states, that he was again on the place in 1846 and 1847, at which times he (Williams) had large quantities of grain, which he had raised on the place; that in the spring of 1846 there was a good large field enclosed and in cultivation; he could not state the number of acres; that in the spring of 1846 Mr. Larkin brought up a large number of cattle and placed them on the rancho; and that witness understood from Williams that he was occupying the place for Mr. Larkin or his children, to whom the rancho was represented to belong. The same witness further testifies, that since the year 1843 he has lived on his rancho, situated on Deer creek on the east side of the Sacramento river, and about twenty-five miles above the Larkin rancho; that he had been at said rancho as often as three or four times a year, assisting in marking the stock; and that it was the custom of the valley for the settlers to assemble and assist each other on such occasions.

Pearson B. Reading, another witness on the part of the claimants, testifies that he was first on said ranch in the month of October, 1847; at which time John Williams, whom he knew well, was living in a log-house on the land with his wife; that he was living there, as Williams informed him, as the agent of Mr. Larkin, the father of the present claimants; that at that time he (Williams) was engaged in cultivating the land, and in taking care of the stock then on the rancho, consisting of cattle, horses and hogs; that the house, in the opinion of the witness, had been built about two years; that Williams was then putting up an adobe dwelling-house, and that he saw another adobe house stored with grain, which he judged had been built about one year.

Henry L. Ford, another witness on the part of the claimants, deposes, that he was acquainted with the Larkin rancho, situated on the west side of the Sacramento river; that he first passed over the place in November, 1845, but was not on it again until April, 1847, at which time it was occupied by a man by the name of Williams, in Mr. Larkin's employ; that there was then a house built on it, and from fifty to seventy-five acres of wheat, and another enclosure of ten or twelve acres in corn, potatoes and garden vegetables; that there were about twenty-five or thirty hogs, and about the same number of horses, on the place. The same witness, on his cross-examination by the law agent, states, that at the date of the grant under consideration the grantees resided at Monterey; and in reply to a question whether any one was living on said rancho when he was there in 1845, he replied in the following

words: "There was not, that I saw; there was no house on it, and no part of it was cultivated, as far as I saw."

The foregoing depositions embrace all that is deemed material of the oral testimony on file in regard to the inhabitancy and cultivation of the land claimed. Several other depositions are on file in the case, but the knowledge of the witnesses, although they show large and extensive improvements, is confined to a period subsequent to the time within which the conditions of the grant could be performed.

There is no pretence set up in this case that the grantees ever had a personal occupancy of the land described in their grant; and if they are entitled to a confirmation at all, it must be on the ground of cultivation alone.

This commission has heretofore repeatedly decided, that as the cultivation of the soil was the great desideratum of the Mexican government, and indeed constituted the chief policy of the colonization law of 1824, proof of that fact dispensed with the necessity of showing an actual inhabitancy of the land by the grantee, and constituted, in the judgment of this commission, a substantial compliance with the conditions and objects of the Mexican colonization laws. The question then presents itself, have the petitioners, by the proofs which they have adduced, established that fact within the time prescribed by law.

The grant bears date the 15th December, 1844, and according to the second condition of the grant the parties had one year within which to build a house and inhabit the same. The proofs show that a house was built and persons living in it before the expiration of that time, but the fact of cultivation within the same period is not so clearly shown. The following document, however, extending the time of performing the conditions of the grant, relieves the subject of all embarrassment in this particular; it is in the following words:

"The undersigned, secretary of the departmental government of California, hereby certifies that the sketch attached to this document is signed by himself, the said secretary, it being exactly like the original existing in the espediente relating thereto, which is in the office of the said secretary. Likewise, that it is directed by his excellency Governor General Don Manuel Micheltoreno, that, by reason of this country being undergoing political convulsions, the time appointed for building a house, as in the title of Mr. Thomas O. Larkin, as representative of his children, to whom a tract of land on the margin of Sacramento river had been granted, be extended for two years longer, to be computed from this date.

"Monterey, January 3d, 1845.

(Signed) MANUEL JIMENO."

By the terms of the foregoing document the time limited in the grant for the performance of the material condition of building a house is extended for two years from the 3d of January, 1845, which would take it to the 3d of the same month, 1847. The proof shows cultivation of an extensive character long before that time, as well as the erection of substantial and desirable dwelling-houses.

Taking, then, into consideration all the evidence adduced in this case, we think the claimants have established a substantial compliance with the conditions of their grant, and have made such an equitable showing as clearly entitles them to a decree of confirmation, if the land claimed can be identified and located.

The parties having failed to prove that any judicial measurement of the land described in their grant was ever made, we must look to the grant itself for such a description of the land as will enable an officer to identify and locate it with certainty and precision.

The grant describes the tract of land granted, in the following words:

"Whereas, Francis Larkin and his two sisters, Caroline Ann and Sophia Adelaide, Mexicans by naturalization, have petitioned for their own personal benefit for the certain piece or tract of land on the westerly side of the Sacramento river, comprising the rancherias of Quiti, Daedae, Sojot, Sunn, extending five leagues from north to south, and two leagues from east to west, as is described in the plan accompanying the petition."

The 4th condition attached to the grant is in the following words:

"The land which is disposed of by this grant is composed of ten pasture-grounds for black cattle, (a little more or less,) as is shown on the corresponding map. The judge who will give possession will order said land to be measured, in conformity to the regulations thereof, and whatever is over and above is to remain the property of the nation, to be applied to whatever purposes may be convenient."

The description given in the grant fixes the location of the land on the western side of the Sacramento river, and also fixes the quantity, making the tract granted to extend up and down said river five leagues, and in depth two leagues; and then the grant refers to a plan which accompanied the petition, and which is thereby made a part of the grant. The map referred to in the grant is to be found in the traced copy of the expediente, which is on file as evidence in the cause.

This map delineates with great accuracy the tract of land described in the grant, and contains a representation of the different rancherias which comprise the land in question, and designates the location of each.

The deposition of John Bidwell, the surveyor who made the map referred to, shows that the rancherias or Indian villages mentioned in the grant are all designated on the said map by their respective names, and by the small tent-shaped marks opposite each of them. He further states that the starting point where a survey of the land should be commenced, would be the northern boundary on the Sacramento river, and that that point is put two leagues north of the rancheria of Sojot, which rancheria, the witness testifies, is a well-known point. By applying the divides to the scale of distance which the witness states the northern boundary to be from the rancheria of Sojot, is precisely the same as laid down on the map, and the starting point on the northern boundary line may be thus ascertained with absolute certainty, after which there will be no difficulty in ascertaining the exact quantity of land granted. Beginning at that point, and running south on

the bank of the Sacramento river, the distance of five leagues, extending back two leagues, will give the exact quantity called for in the grant.

We do not perceive the force of the objections raised by the law agent, in regard to the question of boundary.

The rule by which surveys are made, where one side of the land is bounded by a navigable river, is well understood by surveyors, and no difficulty can possibly arise from that course. The survey made by William B. Ide, in 1848, is not considered as evidence, on the ground that it is a mere private survey, made without authority of law.

The land confirmed is in extent ten square leagues, making to each grantee three and one third leagues.

A decree made in conformity with this opinion will therefore be entered.

Filed in office, April 25th, 1854.

GEO. FISHER, *Sec'y.*

Decree of Confirmation.

FRANCIS LARKIN, CAROLINE ANN LARKIN, and SOPHIA ADELAIDE LARKIN,
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioners is valid, and it is therefore decreed that the same be confirmed.

The lands of which confirmation is hereby made, are known by the name of the rancho of Larkin's children, and are bounded and described as follows, to wit: commencing at the northern boundary line of said rancho, at a point on the Sacramento river, just two leagues northerly from the rancheria called Sojot, and running south on the margin of said river, the distance of five leagues; thence west two leagues; thence north in a parallel line with said river the distance of five leagues; thence east two leagues to the place of beginning, containing in all ten square leagues; reference for further description to be had to the map, which forms a part of the traced copy of the expediente filed in this case, and also to the original grant.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Commissioners.

Filed in office, April 25th, 1854.

GEO. FISHER, *Sec'y.*

Amended Decree of Confirmation.

FRANCIS LARKIN, CAROLINE ANN LARKIN, FREDERICK HOBSON LARKIN, & ALFRED OTIS LARKIN,
vs.
THE UNITED STATES.
} Amended Decree.

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the claim of the said petitioners is valid, and it is therefore decreed that the same be confirmed.

The lands of which confirmation is hereby made are known by the name of the rancho of Larkin's children, and are bounded and described as follows, to wit:

Commencing at the northern boundary line of said rancho, at a point on the Sacramento river, to just two leagues northerly from the rancheria called Sojot, and running south on the margin of said river the distance of five leagues; thence west two leagues; thence north in a parallel line with said river the distance of five leagues; thence east two leagues to the place of beginning, containing in all ten square leagues.

The lands of which confirmation are hereby made are confirmed to the said petitioners in the following proportions, to wit: To Francis Larkin the one undivided third part of said tract of land; to Caroline Ann Larkin the one undivided third part of said tract of land; to Frederick Hobson Larkin and Alped Otis Larkin, and to the legal representatives of Sophia Adelaide Larkin, deceased, the remaining one undivided third part of said described tract of land; the same petitioners to hold said land as tenants in common. Reference for further description to be had to the map which forms a part of the traced copy of the expediente filed in this case, and also to the original grant filed as evidence in the cause.

ALPHEUS FELCH,
R. AUG. THOMPSON,
Commissioners.

Filed in office, July 11th, 1854.

GEO. FISHER, *Sec'ry.*

And it appearing to the satisfaction of this board that the land is situated, &c. (See page of this transcript, 4.)

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing ninety-two pages, numbered from 1 to 92, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 130, on

the docket of the said board, wherein Francis Larkin et al. the claimant against the United States, for the place known by the name of "Larkin's Rancho."

In testimony whereof, I hereunto set my hand and affix my private seal (not having a seal of office) at San Francisco, California, this thirtieth day of October, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

GEO. FISHER, *Sec'ry.*

Appeal Notice.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
WASHINGTON, 10*th February*, 1855.

FRANCISCO LARKIN et al.
vs.
THE UNITED STATES. } 130.

You will please take notice, that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 12th day of November, 1854, the appeal in the district court of the United States for the northern judicial district of California, will be prosecuted by the United States.

C. CUSHING,
Attorney General.

Endorsed:
Filed March 20th, 1855.

JOHN A. MONROE, *Cl'k.*

Appeal Notice.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
WASHINGTON, 10*th February*, 1855.

FRANCISCO LARKIN ET AL.
vs.
THE UNITED STATES. } 130.

You will please take notice, that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcript of the proceedings of which was received in this office on the 12th day of November, 1854, the appeal in the district court of the United States for the northern district of California will be prosecuted by the United States.

C. CUSHING, *Attorney General.*

Endorsed: Filed May 5th, 1855.

JOHN A. MONROE, *Clerk,*
By W. H. CHEVERS, *Deputy.*

9/43

Notice to file Petition.

In the District Court of the United States for the northern district of California.

THE UNITED STATES, appellants,
vs.
FRANCISCO LARKIN et al., appellees.

You are hereby notified, that, according to the rule of said court, it is required that a petition be filed in the above-named case.

Respectfully,
EDW'D STANLEY,
Att'y for Claimant.

To Hon. S. W. INGE,
U. S. District Attorney, &c., &c.

San Francisco, June 21st, 1855.

Endorsed: Received a copy of this notice this 21st day of June, 1855.
GLASSELL,
Ass't U. S. Attorney.

Filed June 22nd, 1855.
JOHN A. MONROE, *Cl'k,*
By W. H. CHEVER, *Deputy.*

Petition.

To the honorable District Court of the United States in and for the northern district of California:

THE UNITED STATES, appellants,
vs.
FRANCISCO LARKIN ET AL., children of Thomas O. Larkin. } No. 115.

The petition of the United States, by their attorney, represents: That this cause is an application for a review of the decision of the board of commissioners, whereby the claim of the said appellee was confirmed, as appears by reference to the records in the case; that a transcript of the said records was filed in this court on the 1st day of Jan'y, 1855; that a notice of appeal was filed on the 2nd day of Jan., 1855, and that the land claimed lies in the said district.

That the said claim is invalid.

Wherefore, appellants pray that the said decision of the board be reversed, and that the court decree the said title to be invalid.

Respectfully, &c.,
S. W. INGE,
U. S. District Att'y.

Endorsed: Filed, nunc pro tunc, January 14th, 1856.
JOHN A. MONROE, *Cl'k,*
By W. H. CHEVERS, *Dep'ty.*

Answer.

In the District Court of the United States for the northern district of California.

To the honorable District Court of the United States, in and for the northern district of California.

THE UNITED STATES, appellants,
vs.
FRANCISCO LARKIN AND OTHERS,
Children of Thomas O. Larkin, appellees. } No. 115.

The appellees, claimants, in answer to the petition of the attorney of the United States, respectfully represent: That said claim was confirmed by the board of United States commissioners; that a transcript was filed as stated in the petition, and that the land claimed is in the northern district, as alleged. But said claimants deny that their claim is invalid, and they allege it is in all respects valid; that the grant was genuine, and proved to be so in said commission, and was confirmed by the departmental assembly and the usual conditions complied with. Wherefore they pray that said claim may be confirmed according to law, in such case made and provided.

STANLEY & KING,
For Claimants.

Endorsed: Filed, Jan'y 14th, 1856.

JOHN A. MONROE, *Cl'k*,
By W. H. CHEVERS, *Dep'y*.

Opinion.

THE UNITED STATES
vs.
FRANCISCO LARKIN et al.

This case was unanimously confirmed by the board of commissioners. It has been submitted to us without argument, or the statement of any objections to it on the part of the appellants.

The points made by the law agent before the board are all fully considered in their opinion contained in the transcript, and we deem it enough to say that we see no reason to dissent from the conclusion at which they arrive.

Of the genuineness of the grant there can be no question. It was approved, as the board and as we consider, in an unqualified manner by the departmental assembly, and the conditions have been substantially complied with.

The description in the grant, and the delineation on the map, which is unusually accurate, indicate unmistakeably the locality and boundaries of the granted land; and the decree of the commissioners, which we are asked to affirm, particularly designates the boundaries of the tract, the title to which is confirmed to the claimants.

A decree affirming their decision must be decreed as prayed for by the claimants.

Decree.

THE UNITED STATES
vs.
FRANCIS LARKIN, CAROLINE ANN LARKIN, FREDERICK HOBSON LARKIN, AND ALFRED OTIS LARKIN. } Decree No. 115.

Stated Term.—Jan'y 14th, 1856.

This cause coming on this day to be heard, upon the transcript of the proceedings and decision of the board of land commissioners of the United States to ascertain and settle the private land claims in the State of California, and the papers and evidence on which the same were founded, and the pleadings filed in this court, and counsel having been heard on the part of the United States and for claimants:

In consideration of all which, the court is of opinion that there is no error in the decision of the said board, and that the same should be, and is hereby, affirmed.

And this court doth adjudge, order and decree, that the title of the said claimants to the land described in said transcript is valid, and the same is hereby confirmed.

The lands of which confirmation is hereby made is known by the name of the rancho of Larkin's children, and is bounded and described as follows, to wit: Commencing at the northerly boundary line of said rancho at a point on the Sacramento river, just two leagues, northerly from the rancheria called Sojot, and running southerly on the margin of said river, to a point which is five leagues south of the place of beginning; thence west two leagues; thence north in a parallel line with said river and two leagues therefrom, five leagues, and thence east two leagues to the place of beginning, and so as to contain the area of ten square leagues within said lines.

The lands of which confirmation is hereby made are confirmed to the said claimants in the following proportions, to wit: to Francis Larkin the one undivided third part of said tract of land; to Caroline Ann Larkin the one undivided third part of said tract of land; to Frederick Hobson Larkin and Alfred Otis Larkin, and to the legal representatives of Sophia Adelaide Larkin, deceased, the remaining undivided third part of said described tract of land, as tenants in common. Reference for further description to be had to the map which formed a part of the traced copy of the expediente filed in this case before said commission, and also to the original grant filed as evidence in the cause.

OGDEN HOFFMAN, JR.,
U. S. District Judge.

Order granting Appeal.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-house, in the